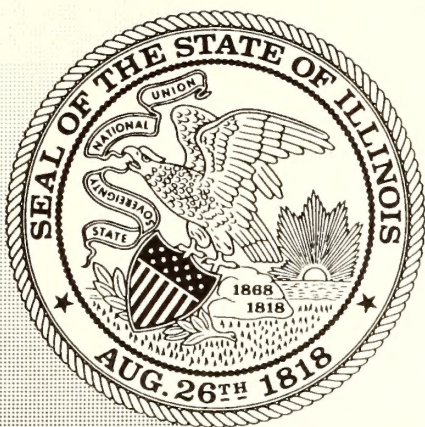


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## **Rules of Governmental Agencies**

Volume 21, Issue 03 — January 17, 1997

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TABLE OF CONTENTS  
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PROPOSED RULES

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF	
Pay Plan	
80 Ill. Adm. Code 310 .....	732
CHILDREN AND FAMILY SERVICES, DEPARTMENT OF	
Client Service Planning	
89 Ill. Adm. Code 305 .....	734
Services Delivered By The Department	
89 Ill. Adm. Code 302 .....	745
COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF	
Industrial Training Program	
56 Ill. Adm. Code 2650 .....	747
CRIMINAL JUSTICE INFORMATION AUTHORITY, ILLINOIS	
Operating Procedures For The Administration Of Federal Funds	
20 Ill. Adm. Code 1520 .....	752
EDUCATION, STATE BOARD OF	
Special Education	
23 Ill. Adm. Code 226 .....	769
OFFICE OF BANKS AND REAL ESTATE	
Real Estate Appraiser Certification	
68 Ill. Adm. Code 1455 .....	793
PUBLIC AID, DEPARTMENT OF	
Aid To Families With Dependent Children	
89 Ill. Adm. Code 112 .....	797
General Assistance	
89 Ill. Adm. Code 114 .....	809
RACING BOARD, ILLINOIS	
Access To Information Of The Illinois Racing Board	
2 Ill. Adm. Code 2251, Repeal .....	820
Corrupt Practices	
11 Ill. Adm. Code 1422, Repeal .....	829
Discipline Rules	
11 Ill. Adm. Code 211 .....	835
Forbidden Conduct	
11 Ill. Adm. Code 1320, Repeal .....	841
Horse Health Rules	
11 Ill. Adm. Code 1431, Repeal .....	847
Prohibited Conduct	
11 Ill. Adm. Code 423, Repeal .....	852

Prohibited Conduct	
11 Ill. Adm. Code 212 .....	855
Public Information	
11 Ill. Adm. Code 200 .....	862
Public Information, Rulemaking And Organization	
2 Ill. Adm. Code 2250, Repeal .....	867
Race Track Improvement Fund	
11 Ill. Adm. Code 404 .....	874
Rulemaking	
11 Ill. Adm. Code 201 .....	878
REHABILITATION SERVICES, DEPARTMENT OF	
Confidentiality Of Information	
89 Ill. Adm. Code 505 .....	882
ADOPTED RULES	
AGING, DEPARTMENT ON	
Community Care Program	
89 Ill. Adm. Code 240 .....	887
AGRICULTURE, DEPARTMENT OF	
Egg And Egg Products Act	
8 Ill. Adm. Code 65 .....	900
Illinois Pseudorabies Control Act	
8 Ill. Adm. Code 115 .....	904
Swine Disease Control And Eradication Act	
8 Ill. Adm. Code 105 .....	917
CHILDREN AND FAMILY SERVICES, DEPARTMENT OF	
Licensing Standards For Day Care Centers	
89 Ill. Adm. Code 407 .....	923
INSURANCE, DEPARTMENT OF	
Modified Guaranteed Annuity (MGA) Contracts	
50 Ill. Adm. Code 1410 .....	933
PUBLIC AID, DEPARTMENT OF	
Aid To Families With Dependent Children	
89 Ill. Adm. Code 112 .....	940
RACING BOARD, ILLINOIS	
Claiming Races	
11 Ill. Adm. Code 510 .....	951
Pari-Mutuels	
11 Ill. Adm. Code 300 .....	955
REVENUE, DEPARTMENT OF	
Income Tax	
86 Ill. Adm. Code 100 .....	958
STATE FIRE MARSHALL, OFFICE OF	



Boiler And Pressure Repairer Regulations		
41 Ill. Adm. Code 121 .....	972	
Boiler And Pressure Repairer Vessel Rules For Hearings		
41 Ill. Adm. Code 123 .....	979	
FIRE MARSHAL, OFFICE OF THE STATE		
Boiler And Pressure Vessel Safety		
41 Ill. Adm. Code 120 .....	997	
EMERGENCY RULES		
CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF		
Pay Plan		
80 Ill. Adm. Code 310 .....	1023	
CHILDREN AND FAMILY SERVICES, DEPARTMENT OF		
Services Delivered By The Department		
89 Ill. Adm. Code 302 .....	1033	
REGULATORY AGENDA		
AGING, DEPARTMENT ON		
Community Care Program		
89 Ill. Adm. Code 240, et al .....	1050	
CARNIVAL-AMUSEMENT SAFETY BOARD		
Carnival And Amusement Rides Safety Act		
56 Ill. Adm. Code 6000 .....	1052	
COMMUNITY COLLEGE BOARD, ILLINOIS		
Administration Of The Illinois Public Community College Act		
23 Ill. Adm. Code 1501 .....	1053	
EDUCATION, STATE BOARD OF		
Public Schools Evaluation, Recognition And Supervision		
23 Ill. Adm. Code 1, et al .....	1055	
HEALTH FACILITIES PLANNING BOARD		
Narrative And Planning Policies		
77 Ill. Adm. Code 1100, et al .....	1059	
HOUSING DEVELOPMENT AUTHORITY, ILLINOIS		
National Affordable Housing Act (HOME) Program		
47 Ill. Adm. Code 370, et al .....	1062	
INSURANCE, DEPARTMENT OF		
Mortgage Guaranty Insurance		
50 Ill. Adm. Code 202, et al .....	1066	
MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES, DEPARTMENT OF		
Office Of The Inspector General Investigations Of Alleged Incidents Of		
Abuse And Neglect In Community Agencies		
59 Ill. Adm. Code 50, et al .....	1068	
PROFESSIONAL REGULATION, DEPARTMENT OF		
Professional Counselor And Clinical Professional Counselor Licensing		
Act		
68 Ill. Adm. Code 1375, et al .....	1074	
STUDENT ASSISTANCE COMMISSION, ILLINOIS		
General Provisions		
23 Ill. Adm. Code 2700, et al .....	1083	
TEACHERS' RETIREMENT SYSTEMS OF THE STATE OF ILLINOIS		
The Administration And Operation Of The Teacher's Retirement System		
80 Ill. Adm. Code 1650 .....	1099	
JOINT COMMITTEE ON ADMINISTRATIVE RULES		
Agenda for Meeting of January 21, 1997 .....	1100	
Second Notices Received .....	1106	
EXECUTIVE ORDERS AND PROCLAMATIONS		
PROCLAMATIONS		
96-653 Chicago Chamber of Musicians Day .....	1108	
96-654 Lucretia White Day .....	1108	
96-655 Seed Month .....	1109	
96-656 School Social Work Week .....	1109	
ISSUES INDEX.....		I-1

## INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Numbers: 310.230  
Proposed Action: Amended
- 4) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].
- 5) A Complete Description of the Subjects and Issues Involved: The Department of Mental Health and Developmental Disabilities has requested that the maximum hourly rate for the Physician Specialist, Option C, be upgraded from \$75 to \$105 per hour in Section 310.230, Part-Time Daily or Hourly Special Services Rate, of the Pay Plan.
- The agency has stated that the new maximum hourly rate of \$105 will help recruit and retain employees who perform the critical services of these positions. The requested rate will relate properly to the revised maximum rate that was changed for the Physician Specialist, Option D.
- 6) Will this proposed rule replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain any incorporations by reference? No
- 9) Are there any proposed amendments pending to this Part? Yes

Section Numbers	Proposed Action	Ill. Reg. Citation
310.100	Amended	20 Ill. Reg. 13102 (October 11, 1996)
310.270	Amended	20 Ill. Reg. 13102 (October 11, 1996)
310.280	Amended	20 Ill. Reg. 13102 (October 11, 1996)
310.290	Amended	20 Ill. Reg. 13102 (October 11, 1996)
310.App. A, Table D	Amended	20 Ill. Reg. 13102 (October 11, 1996)
310.App. A, Table J	Amended	20 Ill. Reg. 13102 (October 11, 1996)
310.230	Amended	20 Ill. Reg. 15804 (December 13, 1996)

- 10) Statement of Statewide Objectives: These amendments to the Pay Plan pertain only to State employees subject to the Personnel Code and do not

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENT

set out any guidelines that are to be followed by local or other jurisdictional bodies within the State.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Mr. Michael Murphy  
Department of Central Management Services  
Division of Technical Services  
504 William G. Stratton Building  
Springfield, Illinois 62706  
Telephone: (217) 782-5601

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None. The Department of Central Management Services' Pay Plan extends only to Personnel Code employees under the jurisdiction of the Governor.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: These rules were not included on either of the 2 most recent agendas because: they were not known at the time.

The full text of the proposed amendment is identical to the emergency amendment published on page 1025 of this Illinois Register.

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Client Service Planning2) Code Citation: 89 Ill. Adm. Code 305

3) Section Numbers:                      Proposed Action:  
     305.30                                  Amend  
     305.40                                  Amend

4) Statutory Authority: 20 ILCS 505

5) A Complete Description of the Subjects and Issues Involved: These amendments add a new permanency goal of "subsidized guardianship" that may be selected for children when certain conditions are met. Those conditions are described in these amendments and in the amendments to 89 Ill. Adm. Code 302, Section 302.405, Subsidized Guardianship. In addition, the list of critical decisions described in Section 305.30 has been expanded to include the decision to petition the court to terminate Department custody or guardianship of a child.

6) Will these proposed rules replace an emergency rule currently in effect?  
     No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed rules contain incorporations by reference? No

9) Are there any proposed amendments to this Part pending? No

10) Statement of Statewide Policy Objectives: These rules do not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Jacqueline Nottingham  
 Chief, Office of Rules and Procedures  
 Department of Children and Family Services  
 406 East Monroe, Station #65  
 Springfield, IL 62701-1498  
 Telephone: (217) 524-1983  
 TTY: (217) 524-3715

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis: These rules do not affect small businesses.

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The need for the rulemaking was not anticipated at the time the last two regulatory agendas were published.

The full text of the proposed amendments begins on the next page:



## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
 CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES  
 SUBCHAPTER a: SERVICE DELIVERY

PART 305  
 CLIENT SERVICE PLANNING

Section	Purpose
305.10	Definitions
305.20	Introduction to Client Service Planning
305.30	Types of Permanency Goals and Alternative Permanency Options
305.40	Service Plan
305.50	Case Review System
305.60	Roles and Responsibilities of the Administrative Case Reviewer
305.70	Decision Review
305.80	Parent-Child Visitation (Repealed)
305.90	Evaluating Whether Children in Placement Should Be Returned Home
305.100	Termination of Parental Rights
305.110	Planning for the Termination of Services
305.120	The Department's Role in the Juvenile Court
305.130	Compliance With the Client Service Planning Requirements
305.140	

**AUTHORITY:** Implementing and authorized by Section 5 of the Children and Family Services Act [20 ILCS 505/5], Section 7.1 of the Abused and Neglected Child Reporting Act [325 ILCS 5/7.1], the Adoption Assistance and Child Welfare Act of 1980, amending Section 475 of the Social Security Act (42 U.S.C. 675 (1991)), Section 2-5 of the Juvenile Court Act of 1987 [705 ILCS 405/2-5], and the Adoption Act [750 ILCS 50].

**SOURCE:** Adopted and codified at 5 Ill. Reg. 14456, effective December 29, 1981; amended at 8 Ill. Reg. 21570, effective November 1, 1984; amended at 9 Ill. Reg. 7920, effective May 31, 1985; recodified at 16 Ill. Reg. 12772; amended at 16 Ill. Reg. 16552, effective October 19, 1992; amended at 18 Ill. Reg. 17200, effective December 1, 1994; amended at 19 Ill. Reg. 7171, effective June 1, 1995; amended at 19 Ill. Reg. 10487, effective July 1, 1995; amended at 20 Ill. Reg. 9030, effective July 5, 1996; amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 305.30 Introduction to Client Service Planning

- a) Principles of Client Service Planning
- 1) Client service planning is an on-going process that must begin with an assessment of client need in relation to Department service mandates and must include periodic reassessment of such needs in light of the services provided, the permanency goal or an alternative permanency option, and the progress toward achieving the goal or option.

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 2) Case planning must ensure accountability on the part of clients, the Department and other service providers through written documentation of expectations and obligations. This documentation should include:
  - A) a desired permanent living arrangement for each child served that is recorded in the service plan as a permanency goal or permanency option;
  - B) identification of problems that must be resolved to achieve this status, including, when applicable, achievement of minimum parenting standards;
  - C) identification of measurable changes or outcomes that will signify problem resolution;
  - D) identification of what the Department and other service providers will provide toward achieving the desired permanent living arrangement;
  - E) identification of applicable timeframes; and
  - F) identification of any consequences to the client if the timeframes are not met.
- 3) Although the Department maintains ultimate responsibility for the service plan, case planning must be an inclusive process in which all of the participants in a case (parents, children, service providers) are given the opportunity to have input.
- 4) Case planning activities, including development of the service plan and case review, reflect and must be consistent with federal and State requirements, e.g., 42 U.S.C.A. 670 et seq. and the Children and Family Services Act [20 ILCS 505].
  - b) The Need for a Permanent, Secure and Nurturing Home
    - 1) The Department recognizes that children need permanent, secure, and nurturing homes for healthy psychological development in order to mature to stable adulthood. Whenever it is in the best interests of the child, the Department strives to preserve family life and to stabilize children's homes and to assist in the solution of problems which are likely to result in the abuse, neglect, or exploitation of children.
    - 2) When children and parents must be separated to reduce or prevent harm to the children, the Department strives to reunite families as quickly as is consistent with the children's best interests, safety and well-being. When children and parents cannot be reunited because the parents are unable or unwilling to care for the children and therefore cannot achieve the minimum parenting standards, the Department strives to find other permanent homes for children.
  - c) The Child's Sense of Time and The Importance of Aggressive Planning
    - 1) The Department recognizes that children have a different sense of time than adults. What seems like a short family disruption or a brief separation to adults may be a very painful and intolerably long period for children. In general, younger children are less able to tolerate periods of separation than older children. For



## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

this reason, the Department shall act promptly using the best information available when dealing with children and their families.

- 2) The Department believes that aggressive planning with an emphasis on decision making, followed by the actions needed to carry out those decisions, will secure permanent homes for children. Therefore, the Department requires service planning directed toward a permanency goal beginning from the earliest contacts with children and families. Through service planning the Department strives to assure that children are in permanent homes as quickly as is consistent with their safety and well-being while recognizing the urgency caused by the child's sense of time.

## d) The Use of Outside Consultation

- 1) The Department recognizes the gravity of the decisions that must be made and, recognizing the urgency caused by the child's sense of time, the importance of acting deliberatively, yet promptly, on each case. Therefore, the Department strives to consult professionals and agencies outside the Department and to seek a balance of opinions from the following public and private agencies, when appropriate:

- A) health, education and social service agencies;
- B) law enforcement agencies; and
- C) other agencies, organizations, or programs which provide or are concerned with human services.

- 2) This consultation allows Department staff to attain a broad perspective on the alternatives available to children and families and on the potential impact of these alternatives on the lives of the children and families served.

## e) The Critical Decisions

- 1) Although all Department decisions affecting children and families are important, the Department identifies the following decisions as the most critical ones affecting children and families:

- A) deciding whether to remove children from the home of their parents or relative caregiver or whether services can prevent placement away from their parents or relative caregiver;
- B) deciding whether to return children to the home of their parents or relative caregiver from a placement away from their parents or relative caregiver;
- C) deciding whether to decrease the frequency or the duration of parent and/or sibling visits with the child and whether the visits should be supervised;
- D) deciding whether to change children's placements;
- E) deciding whether parental rights should be terminated and an alternate permanent home sought;
- F) deciding if children are prepared for partial or total independence; or

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- G) deciding whether children shall be placed apart from siblings who are also placed in substitute care; or
- H) deciding whether to petition the court to terminate Department custody or guardianship of a child.

- 2) When making a critical decision, any opinions or recommendations from professionals or agencies outside the Department shall be carefully weighed. In addition, the Department requires the participation of children and families in service planning and decision-making to the greatest extent possible.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 305.40 Types of Permanency Goals and Alternative Permanency Options

- a) The Department shall consider the recommendations of the purchase of service providers, if any, and shall select permanency goals or alternative permanency options for the children and families it serves in order to guide service planning and achieve permanent homes for children. The Department shall ensure that services provided to children and families move them toward the permanency goals or alternative permanency options. The permanency goals are:

- 1) Remaining at Home;
- 2) Returning Home;
- 3) Adoption;
- 4) Permanent Family Placement
  - A) with an unrelated foster family;
  - B) with relatives;
- 5) Independence;

## 6) Long Term Care in a Residential Facility; and

- 7) Substitute Care Pending Court Decision Regarding Termination of Parental Rights; and
- 8) Subsidized Guardianship.

- b) When selecting a permanency goal, the Department shall use the criteria in this Section.

## 1) Remaining at Home

Remaining home with their parents or private guardian is the preferred goal when the child's safety and well-being are not clearly endangered if allowed to remain at home. This permanency goal is consistent with the Department's service goal of family preservation. It emphasizes the importance of keeping families together and also stresses that the family is primarily responsible for caring for the child. In addition, this permanency goal is usually the least disruptive to family life.

## 2) Returning Home

- A) Returning children to their parent(s) or private guardian(s) homes is the preferred goal for children who have been placed in substitute care away from their parents.



## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

This permanency goal is consistent with the Department's service goal of family reunification. It reinforces the family's responsibility to care for their children and maintain the family relationship. ~~This furthermore, this~~ permanency goal is usually the least traumatic alternative for both the families and children.

B) Returning home should be established as the permanency goal:

- i) when the parents appear to have the capability to attain the minimum parenting standards with the aid of family reunification services; and
- ii) when the parents are cooperative with the Department and its purchase of service providers, if any, and want to resolve the problems.

C) Returning home should be continued as the permanency goal as long as the parents are substantially complying with the requirements of the service plan and are progressing satisfactorily toward the permanency goal.

3) Adoption

Adoption is the preferred permanency goal when parental rights have been terminated ~~on a child~~. This permanency goal is to be established only:

- A) after both parents have signed adoptive surrenders; or
- B) after a court has terminated the parental rights of both parents and has designated the Department as guardian with the power to consent to the child's adoption; or
- C) after one parent has signed an adoptive surrender and parental rights have been terminated on the remaining parent through court action; or
- D) when one parent has signed an adoptive surrender and the identity and/or the whereabouts of the remaining parent is unknown, and the Department expects the parental rights of the remaining parent to be terminated through court action; and
- E) the child, if 14 years of age or over, consents to the adoption.

4) Permanent Family Placement

A) Although a permanent family placement is more desirable than a series of short-term placements, it is not a preferred permanency goal for the child. Without the legal safeguards offered by a permanent legal guardian, a permanent family placement may fail to provide the child with a sense of belonging and permanency. A permanent family placement is the permanency goal only ~~if~~ when to return the child home is not consistent with ensuring the child's safety and well-being; and:

- i) ~~if~~ when the child, if 14 years of age or older, clearly does not want to be adopted or the child, if under age 14, has been provided counseling to help him accept

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

another family, but continues to be unable to accept another family; or

- ii) ~~if~~ the child is otherwise deemed unadoptable.

B) The Department shall strive to assure continuity of care, a sense of permanency, and emotional support for the child by establishing the child's permanent caregiver as the legal guardian of the child with the permanency goal of subsidized guardianship as described in subsection (b)(8) of this Section. However, taking legal guardianship is not required for the placement to be considered permanent.

C) When weighing the advantages of a permanent family placement with relatives against the advantages of a permanent family placement with an unrelated foster family, the quality of the relationships among relationships-between the relatives, the child, the child's parents, and the child's foster parents, if any, shall be a factor. In addition, another factor ~~other-factors~~ shall be the likelihood of establishing a permanent legal relationship between the child and the relative as compared to the likelihood of establishing a permanent legal relationship between the child and the unrelated foster parents.

5) Independence

Independence may be a goal for adolescents 16 years of age or older who have demonstrated the ability to care for themselves, who do not wish to be adopted, who are becoming economically self-sufficient, or who are establishing a family of their own. When the child becomes 18, the child must cooperate according to his service plan. If the child 18 years of age or over does not cooperate, the Department may seek to terminate services and seek to end its legal relationship with the child.

6) Long-Term Care in a Residential Facility

A) A very small percentage of children served by the Department are determined severely physically, mentally, or emotionally handicapped by a physician, psychiatrist, or other professional qualified by education or experience to make this judgment. These children require long term care, usually in an intermediate or skilled nursing facility, or in a child care institution. They are expected to continue to need this care in the foreseeable future. For these children, long-term care in a residential facility is the permanency goal.

B) These severely physically, mentally, or emotionally handicapped children who require long-term care should not be confused with children who are in group homes or institutions in order to receive intensive, short-term treatment directed toward correcting problems which significantly interfere with life outside the institution. Long-term care in a residential facility is not an



## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

appropriate permanency goal for children who are receiving short-term, intensive services in a group home or institution.

7) Substitute Care Pending Court Decision Regarding Termination of Parental Rights

A) Substitute care pending court decision regarding termination of parental rights is the preferred permanency goal when a decision has been made to pursue termination of parental rights. This goal is to be established only when:

- i) Efforts to reunite the child and biological or legal family have been unsuccessful as documented in the case record; or the ~~the~~ evaluations of at least two professionals have found ~~must find~~ the parent(s) have a chronic incapacity which will not respond to rehabilitation and which makes it clearly improbable that the parents will attain minimum parenting standards. These professionals must be qualified by their education or experience in the fields of psychiatry, psychology, social work, developmental disabilities, chemical dependency, or other specialized areas of knowledge relevant to the pending issue. These evaluations shall weigh whether the parents can attain the minimum parenting standards (established by the Department) after considering the public, private and extended family resources which can assist the parents with caring for the children; and

- ii) ~~the~~ The child, if 14 years of age or older, is in agreement with the plan to pursue termination of parental rights; and
- iii) ~~the~~ Department legal staff determine if there is sufficient evidence to pursue termination of parental rights in accordance with Section 1(D) of the Adoption Act (750 ILCS 50/1(D)).

B) This goal shall continue as the permanency goal until such time as the court grants or denies ~~has--granted--or--denied~~ termination of parental rights, or until such time as a degree of progress is noted in the parent(s) situation which would require an evaluation of, and possible change in the established permanency goal pursuant to Sections 305.50 and 305.60.

C) If the court grants termination of parental rights, this goal shall be changed to adoption. If the termination of parental rights petition is denied, another permanency goal shall be selected.

8) Subsidized Guardianship  
Subsidized guardianship may be selected as the permanency goal when "return home" and "adoption" have been ruled out as

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

permanency goals for the child, but the child resides with a relative or foster home caregiver with whom the child has formed an emotional attachment and who is willing to accept legal responsibility for the child and assume a commitment to a permanent relationship that meets the child's needs over time. In addition, when deciding whether to select subsidized guardianship as the permanency goal, the Department shall consider whether the child can benefit from a living arrangement that does not include the intervention and supervision of the Department, with the exception of possible financial and medical assistance as described in 89 Ill. Adm. Code 302.405. Subsidized Guardianship. In making that determination the Department shall consider the eligibility factors contained in Section 302.405(b).

c) Permanency Options

- 1) In addition to the permanency goals identified in subsection (b) above, the Department also recognizes delegated relative authority as an alternative permanency option which does not provide the legal status of a permanency goal, but does allow the child to be placed in a stable, continuous living arrangement. When delegated relative authority is selected as a permanency option, the relative caregiver shall continue to receive payments for the care of the child which shall be based on the relative caregiver's licensing status. Administrative case reviews shall continue to be conducted at least every six months, permanency review hearings shall continue to be held as required by law, and parent/child visits shall continue, as appropriate. The Department retains guardianship of the child and the authority to make all major medical consents and other major decisions which affect the related children's lives and health.

- 2) Effective January 1, 1997, delegated relative authority may no longer be selected as a permanency option. Those relative caregivers who are caring for children in a delegated relative authority arrangement as of January 1, 1997 will be allowed to continue in that arrangement. However, they will be offered the option of serving as subsidized guardians in accordance with the eligibility criteria of 89 Ill. Adm. Code 302.405, Subsidized Guardianship.

d) Delegated relative authority may be selected as a permanency option for the following types of cases:

- 1) the children have been living with a relative caregiver who has been licensed under 89 Ill. Adm. Code 402, Licensing Standards for Foster Family Homes, or who continues to meet the conditions for placement prescribed in 89 Ill. Adm. Code 301, Placement and Visitation Services, Section 301.80 Relative Home Placement, and the children have remained with the relative caregiver for a minimum of one year immediately prior to establishing delegated relative authority;
- 2) the children are in the guardianship of the Department



## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- immediately prior to establishing delegated relative authority;
- 3) the children do not have extraordinary medical, mental health, or educational needs which require additional casework services;
  - 4) the relative caregivers have demonstrated the willingness and ability to protect the children from persons who may harm them;
  - 5) the relative caregivers have demonstrated the willingness and ability to appropriately control and supervise visits and contacts between the children and their biological or legal parents, in accordance with the service plan developed by the Department;
  - 6) the relative caregivers have a safe and stable home environment which poses no danger to the related children;
  - 7) the Department has documented that reunification with the biological or legal parents within a one year period is highly unlikely for reasons such as:
    - A) long-term parental incarceration; or
    - B) chronic and serious mental illness; or
    - C) serious physical or mental incapacity; or
    - D) addiction to drugs or alcohol which is not responding successfully to treatment; or
    - E) other significant barriers to returning the children home within one year;
  - 8) adoption (unless adoption by the relative caregiver is pending) or private guardianship as a permanency goal has been determined to be not in the best interests of the related children; or
  - 9) other circumstances as the Department may determine to be appropriate.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Services Delivered by the Department
- 2) Code Citation: 89 Ill. Adm. Code 302
- 3) Section Numbers: Proposed Action:  
 302.20 Amend  
 302.400 Amend  
 302.405 New
- 4) Statutory Authority: 20 ILCS 505
- 5) A Complete Description of the Subjects and Issues Involved: The Department has received a waiver from the Federal Department of Health and Human Services to implement a demonstration project which offers a subsidized guardianship arrangement for children who have been in foster care for two or more years and who meet other criteria, as described in the rules, that indicate the child is likely to remain in substitute care. All foster parents and relative caregivers will be eligible for the new arrangement with the exception of those that reside in the cost neutrality areas which are described in the proposed amendments. Each guardianship will be established by court order. The financial and medical assistance offered under this program is modeled after the adoption assistance program and the same methodology for calculating the amount of financial assistance is used.
- 6) Will these proposed rules replace an emergency rule currently in effect?  
Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed rules contain incorporations by reference? No
- 9) Are there any proposed amendments to this Part pending? No
- 10) Statement of Statewide Policy Objectives: These rules do not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Jacqueline Nottingham  
 Chief, Office of Rules and Procedures  
 Department of Children and Family Services  
 406 East Monroe, Station #65  
 Springfield, IL 62701-1498

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

217/524-1983

TTY: 217/524-3715

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

12) Initial Regulatory Flexibility Analysis: These rules do not affect small businesses.

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The need for the rulemaking was not anticipated at the time of the last two regulatory agendas.

The full text of the proposed amendment is identical to the text of the emergency amendment that begins on page **1036** of this *Illinois Register*.

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: Industrial Training Program

2) Code Citation: 56 Ill. Adm. Code 2650

3) Section Numbers: Proposed Action:  
2650.50 Amendment

4) Statutory Authority: Implementing Section 46.19a(1) and authorized by Section 46.42 of the Civil Administrative Code of Illinois [20 ILCS 605/46.19a(1) and 46.42]; and Public Act 88-0456.

5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking will allow the Department additional time to conduct compliance monitoring visits of Illinois Industrial Training Program grantees.

6) Will these amendments replace an emergency amendment currently in effect?  
No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805].

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Ms. Brenda Yager, Manager  
Bureau of Community Development  
Department of Commerce and Community Affairs  
620 East Adams Street, 5th Floor  
Springfield, IL 62701  
(217) 785-6174  
T.D.D. Number: (217) 785-6055

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses and small municipalities affected: Illinois businesses would be able to apply for training grants from the Department of Commerce and Community Affairs.

B) Reporting, bookkeeping or other procedures required for compliance: Bookkeeping and reporting of any approved training funds.



## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENT(S)

- C) Types of professional skills necessary for compliance: Applicants would already possess the necessary skills for compliance.

13) Regulatory Agenda on which this rulemaking was summarized: January 1997

The full text of the Proposed Amendments begins on the next page:

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENT(S)

TITLE 56: LABOR AND EMPLOYMENT  
CHAPTER III: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

PART 2650  
INDUSTRIAL TRAINING PROGRAM

## SUBPART A: GENERAL REQUIREMENTS

Section	Purpose
2650.10	Definitions
2650.20	Eligible Applicants and Training Activities
2650.30	Allowable Costs
2650.40	Grant Administration Requirements
2650.50	Nondiscrimination
2650.60	Selection for Funding (Recodified)
2650.70	Allowable Costs (Recodified)
2650.80	Grant Administration Requirements (Recodified)
2650.90	Nondiscrimination (Recodified)
2650.100	

## SUBPART B: SINGLE COMPANY APPLICANTS

Section	
2650.110	Application Procedures
2650.120	Application Documentation
2650.130	Application Evaluation
2650.140	Selection for Funding

## SUBPART C: SECONDARY AND POST-SECONDARY EDUCATION INSTITUTION APPLICANTS (Repealed)

Section	
2650.210	Application Procedures (Repealed)
2650.220	Application Documentation (Repealed)
2650.230	Application Evaluation (Repealed)
2650.240	Selection for Funding (Repealed)
2650.250	Reporting Requirements (Repealed)

## SUBPART D: MULTI-COMPANY AND MEMBERSHIP TRAINING PROJECT APPLICANTS

Section	
2650.310	Application Procedures
2650.320	Application Documentation
2650.330	Application Evaluation
2650.340	Selection for Funding

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENT(S)

## 2650.350 Administrative Requirements (Repealed)

**AUTHORITY:** Implementing Section 46.19a(1) and authorized by Section 46.42 of the Civil Administrative Code of Illinois [20 ILCS 605/46.19a(1) and 46.42]; and Public Act 88-0456.

**SOURCE:** Adopted at 11 Ill. Reg. 11642, effective June 29, 1987; recodified at 13 Ill. Reg. 15386; emergency amendments at 13 Ill. Reg. 16126, effective September 27, 1989, for a maximum of 150 days; emergency expired February 24, 1990; amended at 14 Ill. Reg. 5075, effective March 20, 1990; amended at 16 Ill. Reg. 17969, effective November 17, 1992; amended at 19 Ill. Reg. 15374, effective October 20, 1995; amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL REQUIREMENTS

## Section 2650.50 Grant Administration Requirements

a) Audits - The Department reserves the right to conduct special audits at any time during normal working hours of funds expended under Department grants (e.g., evidence of fraud or abuse). If the Grantee is a secondary or post-secondary education institution, it shall comply with the applicable audit requirements of 47 Ill. Adm. Code 130.

b) Monitoring - The Director will ensure that a minimum of one periodic on-site grant monitoring visit is ~~visits--are~~ conducted by the Department either during the course of the grant period or within six months following the end of the grant period. The Department will verify that the Grantee's financial management system is structured to provide for accurate, current and complete disclosure of the financial results of the grant program in accordance with all provisions, terms and conditions contained in the grant contract. The Department also reserves the right to contact any company participating in a multi-company training project funded by this program to verify the information submitted by the Grantee on behalf of the participating company.

c) Training Evaluation Report - The Grantee must submit to DCCA, within 60 days following the end of the grant period, a descriptive written evaluation of the results of the training experience by either the company, in the case of single-company grantees, or the companies participating in the training project, in the case of multi-company training projects. The narrative evaluation report should be based on the measurable outcomes or benefits contained in the grant application submitted and approved by DCCA. DCCA reserves the right to withhold any future year funding for noncompliance with this provision.

d) Reporting Requirements - To receive reimbursement for training costs which have been incurred by a Grantee in accordance with the Scope of Work and Budget contained in the grant contract with the Department,

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENT(S)

the Grantee shall furnish evidence to the Department of having completed training by following either a monthly certification schedule or other schedule negotiated by the Department and the Grantee. This certification shall be filed on forms provided to the Grantee by the Department. Payments to the Grantee are subject to the initiation of an invoice-voucher which shall be due to the Department according to the schedule established in the grant contract. A project summary report shall be due to the Department either each month, or as negotiated, consisting of an analysis of major project activities; a listing of clients served, if the project served clients; and an evaluation of how the project's operation is related to the objectives of the grant.

e) Grant Closeout - The Grantee shall be responsible for completing the grant closeout package which shall be provided by the Department and identifies the financial status of these grant funds. The Grantee, upon submission of the closeout package, or within 45 days after expiration of the grant, whichever is first, shall refund to the Department any balance of funds which were unexpended or unobligated at the end of the grant period. In addition, the Grantee shall repay the Department for any funds that are determined by the Department to have been spent in violation of the grant contract. If the grant contract should terminate for any reason, the closeout package shall be due within 45 days after the date of termination.

f) For the purpose of Subparts B and D of this Part, the following provisions specified in 47 Ill. Adm. Code 1.30, 1.40, 1.60, 1.70, 1.80, 1.90, 1.100, 1.105, 1.110, 1.120, 1.140, and 1.185 are applicable.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Operating Procedures for the Administration of Federal Funds

2) Code Citation: 20 Ill. Adm. Code 1520

3) <u>Section Numbers:</u>	<u>Proposed Action</u>
1520.10	Amendment
1520.30	Repeal
1520.45	Repeal
1520.47	Amendment
1520.48	New Section
1520.50	Amendment

4) Statutory Authority: Implementing and authorized by the Illinois Criminal Justice Information Act [20 ILCS 3930].

5) A Complete Description of the Subjects and Issues Involved: Repeals rules for the administration of Justice Assistance Act, and State and Local Law Enforcement Assistance Act funds, as such grant programs are no longer in effect. Amends rules for the administration of Violence Against Women Act funds to reflect the current grant program office. Updates rules for the administration of federal funds to reflect the current, applicable circulars and guidelines. Delineates operating procedures for the administration of federal program funds, other than those subject to Sections 1520.40, 1520.46 or 1520.47, that the Authority may receive and distribute to State agencies, units of local government, not for profit organizations, and other eligible organizations and entities, and appeals taken therefrom.

6) Will these proposed amendments replace emergency rules currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: These rules do not require local governments to establish, expand or modify their activities in any way.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rules may be submitted in writing for a period of 45 days following publication of this notice to:

Kristi J. Kangas, Legal Advisor  
Illinois Criminal Justice Information Authority

## ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

## NOTICE OF PROPOSED AMENDMENTS

120 S. Riverside Plaza  
Chicago, Illinois 60606-3997  
312/793-8550

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The rule may affect small businesses, small municipalities and not for profit corporations in that they are potential recipients of federal program funds.

B) Reporting, bookkeeping or other procedures required for compliance: Small businesses, small municipalities and not for profit corporations receiving federal program funds are, accordingly, subject to State and federal provisions concerning reporting, bookkeeping and other procedures that apply to recipients of such funds.

C) Types of professional skills necessary for compliance: None.

13) Regulatory Agenda on which this rulemaking was summarized: July 1996

The full text of the Proposed Amendments begins on the next page:

## ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

## NOTICE OF PROPOSED AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT  
CHAPTER III: ILLINOIS CRIMINAL JUSTICE  
INFORMATION AUTHORITY

OPERATING PROCEDURES FOR THE ADMINISTRATION OF FEDERAL FUNDS  
PART 1520

Section	Purpose and Authorization
1520.10	Definitions
1520.20	Application and Receipt of Justice Assistance Act of 1984 Funds
1520.30	(Repealed)
1520.40	Application and Receipt of Victims of Crime Act of 1984 Funds
1520.45	Application and Receipt of State and Local Law Enforcement Assistance Act of 1986 Funds (Repealed)
1520.46	Application and Receipt of Anti-Drug Abuse Act of 1988 Funds
1520.47	Application and Receipt of Violence Against Women Act of 1994 Funds
1520.48	Application and Receipt of other Federal Program Funds
1520.50	Administration of Federal Funds
1520.60	Appeals

AUTHORITY: Implementing and authorized by the Illinois Criminal Justice Information Act [20 ILCS 3930].

SOURCE: Emergency rules adopted at 9 Ill. Reg. 15548, effective September 30, 1985; new rules adopted at 10 Ill. Reg. 10546, effective June 3, 1986; emergency amendments at 11 Ill. Reg. 9626, effective April 29, 1987, for a maximum of 150 days; emergency expired September 26, 1987; amended at 12 Ill. Reg. 8649, effective May 9, 1988; emergency amendments at 13 Ill. Reg. 1605, effective January 24, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 5926, effective April 17, 1989; emergency amendments at 20 Ill. Reg. 3335, effective February 2, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 8316, effective June 7, 1996; emergency amendments at 21 Ill. Reg. 651, effective December 26, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 1520.10 Purpose and Authorization

- a) The Illinois Criminal Justice Information Authority (Authority) establishes this Part to exercise its responsibility to apply for, receive, establish priorities for, allocate, disburse and spend grant funds that are made available by...the United States pursuant to the federal Crime Control Act of 1973 (P.L. 93-83), as amended, and similar federal legislation, and to enter into agreements with the United States Government to further the purposes of the Act, or as may be required as a condition of obtaining federal funds,.... [20 ILCS 3930/7(k)]
- b) Pursuant to the Organizational rules of the Illinois Criminal Justice

## ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

## NOTICE OF PROPOSED AMENDMENTS

Information Authority (2 Ill. Adm. Code 1750.340), the Budget Committee has the duty to oversee the grant award procedures of the Authority. This duty includes responsibility for establishing grant award procedures, submission of the Applications for funds and oversight of the grant award procedures for Justice Assistance Act of 1984 (P.L. 98-473, effective October 12, 1984), State and Local Law Enforcement Assistance Act (P.L. 99-570, effective October 27, 1986), Anti-Drug Abuse Act of 1988 (P.L. 100-690, effective November 18, 1988), and Violence Against Women Act of 1994 (P.L. 103-322, effective September 13, 1994), and other federal program funds that the Authority is designated to administer funds.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 1520.30 Application and Receipt of Justice Assistance Act of 1984 Funds (Repealed)

- a) The Authority will annually review the eligible purposes set forth in Section 493(a) of the Justice Assistance Act of 1984 (P.L. 98-473, effective October 12, 1984) and based on the needs and requests of units of local and state government made pursuant to oral and written comment and testimony received at public meetings conducted pursuant to the Open Meetings Act (Ill. Rev. Stat. 1983, ch. 102, par. 4-1 et seq.) select the funding priorities for each federal fiscal year. Such funding priorities shall be selected by the Authority at a public meeting in conformance with the Open Meetings Act and the Authority's rules (2 Ill. Adm. Code 1750.310 et seq.).
- b) For purposes of determining the distribution of federal funds made available to the State of Illinois through the Justice Assistance Act of 1984, among urban, rural and suburban units of local government the Authority shall give priority to those units of local government with the greatest need, so that end, based upon the funding priorities selected by the Authority pursuant to subsection (a) above, the Executive Director shall use the following evaluation criteria to identify those units of local government with the greatest need:
- 1) an analysis of need as evidenced by demographic and criminal justice data;
- 2) comments from the public and State local officials; and
- 3) current research findings.
- A unit of local government so identified, shall be contacted by the Executive Director to assess its interest in and ability to qualify for the receipt of federal funds pursuant to the requirements of the Justice Assistance Act of 1984 and, if so interested and so qualified, to prepare a program description that identifies the problem to be addressed, states goals and objectives and indicates the means by which the unit of local government proposes to achieve those



## ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

## NOTICE OF PROPOSED AMENDMENTS

objectives. A unit of local government not so identified by the Executive Director shall, however, upon written request to the Executive Director, be included among those units of local government evaluated by the Executive Director pursuant to the criteria described herein.

c) The Budget Committee shall, at a public meeting, designate programs implementing agencies and amounts for funding which address one or more of the purposes specified by the Authority in subsection (a) above, consistent with the Justice Assistance Act of 1984 and the Rules for Criminal Justice Block Grants of the Department of Justice. Bureau of Justice Assistance (28-CR-331 et seq.) effective May 30, 1985. The Budget Committee's decision to designate these programs implementing agencies and fund amounts shall be based upon equal consideration of the following factors:

- 1) the recommendations of the Executive Director made pursuant to subsection (b) above;
- 2) comments from the public and State and local officials;
- 3) the proven effectiveness of a program by making a prudent assessment of the problem to be addressed by a proposed program;
- 4) the likelihood that a program will achieve the desired objectives by making a prudent assessment of the concepts and implementation plans included in a proposed program and by the results of any evaluations of previous tests or demonstrations;
- 5) the availability of funds; and
- 6) the overall cost of the program.

d) Pursuant to Section 408(a) of the Justice Assistance Act of 1984, those programs implementing agencies or fund amounts approved by the Budget Committee as specified by subsection (c) above shall be delineated in an Application for Submittal to the Bureau of Justice Assistance. Such Application shall also include those assurances listed in Section 405 of the Justice Assistance Act of 1984.

e) Upon notification by the Bureau of Justice Assistance that an Application has been approved, the Executive Director shall enter into interagency agreements with those implementing agencies designated by the Budget Committee pursuant to subsection (d) above, specifying the terms and conditions under which the programs, services, or activities are to be conducted and the federal funds are to be received. If the Authority is the designated implementing agency, then the Executive Director shall document such terms and conditions, which, to become effective, must be accepted in writing by the Chairman of the Authority.

(Source: Repealed at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 1520.45 Application and Receipt of State and Local Law Enforcement Assistance Act of 1986 Funds (Repealed)

## ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

## NOTICE OF PROPOSED AMENDMENTS

a) The Authority will annually review Section 1302 of the State and Local Law Enforcement Assistance Act of 1986 (P.B. 99-570, effective October 27, 1986) and based on the need for services to enforce State and local laws that establish offenses similar to offenses established in the Controlled Substance Act (21 U.S.C. 801 et seq.) the services available to address that need, and oral and written comment and testimony received at public meetings conducted pursuant to the Open Meetings Act (Ill. Rev. Stat. 1985, ch. 103, par. 41 et seq.), select program funding priorities for each federal fiscal year. Such funding priorities shall be selected by the Authority at a public meeting in conformance with the Open Meetings Act and the Authority's rules (21 U.S.C. 801 et seq.).

b) Federal funds made available to the State of Illinois through the State and Local Law Enforcement Assistance Act of 1986 shall be distributed to State agencies and units of local government upon the funding priorities selected by the Authority pursuant to subsection (a) above. The Executive Director shall use the following evaluation criteria to identify those State agencies and units of local government eligible for the receipt of federal funds:

- 1) comments from the public and State and local officials;
- 2) information including but not limited to drug activity information, arrests, prosecutions, drug types, prior experience with grants and current efforts regarding drug enforcement indicating the likelihood that a State agency or unit of local government will achieve the desired objectives of the State and local law enforcement assistance Act of 1986; and
- 3) drug law enforcement information including arrests, prosecutions, convictions, recidivism, percentages as well as gross numbers of offenders, information provided to police by citizens, and treatment information such as admissions to programs.

c) A unit of local government or State agency so identified pursuant to subsection (b) above shall be contacted by the Executive Director to assess its interest in and ability to qualify for the receipt of federal funds pursuant to the requirements of the State and Local Law Enforcement Assistance Act of 1986 and if so interested and so qualified to prepare a description of programs or services that identifies the problem to be addressed, states goals and objectives and indicates the means by which the unit of local government or State agency proposes to achieve those goals and objectives. A unit of local government or State agency not so identified by the Executive Director shall, however, upon written request to the Executive Director, be included among those units of local government or State agencies evaluated by the Executive Director pursuant to the criteria described herein. In assessing the interest in and ability to qualify for the receipt of the above mentioned funds, the Executive Director shall consider resolutions from county and municipal boards and written assurance from these boards of their ability to obtain the

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

NOTICE OF PROPOSED AMENDMENTS

Against Women Act of 1994 (P.L. 103-322, effective September 13, 1994) and based on the need to strengthen law enforcement, prosecution and victim services in cases involving violent crimes against women, particularly crimes of sexual assault and domestic violence, the services available to address that need, consultation with nonprofit, nongovernmental victim service programs, and oral and written comment and testimony received at public meetings conducted pursuant to the Open Meetings Act [5 ILCS 120], will select program funding priorities for each federal fiscal year. Such funding priorities shall be selected by the Authority at a public meeting in conformance with the Open Meetings Act and the Authority's rules (2 Ill. Adm. Code 1750.330).

b) Federal funds made available to the State of Illinois through the Violence Against Women Act of 1994 may be distributed to State agencies, units of local government, and nonprofit, nongovernmental victim services programs. In distributing funds, the Authority will give priority to areas of varying geographic size with the greatest needs, consider the population to be served within a geographic area, assure that the needs of previously underserved populations are identified and addressed, and equitably distribute monies on a geographic basis, including non-urban and rural areas of various geographic sizes. Based on the funding priorities selected by the Authority pursuant to subsection (a) above, the Executive Director shall use the following evaluation criteria to identify those State agencies, units of local government, and nonprofit, nongovernmental victim services programs eligible for the receipt of federal funds:

- 1) analysis of need as evidenced by public health data, data regarding orders of protection, and demographic and criminal justice data;
- 2) comments from the public, service providers, and State and local officials;
- 3) information (including but not limited to prior experience with grants and current efforts regarding cases involving violent crimes against women) indicating the likelihood that a State agency, unit of local government, or nonprofit, nongovernmental victim services program will achieve the desired objectives of the Violence Against Women Act of 1994;
- 4) criminal justice and victim service agency surveys, which include information regarding service availability and the numbers of victims actually served, and the incidence of violent crimes against women (percentages as well as gross numbers);
- 5) current research findings; and
- 6) consultation with nonprofit, nongovernmental victim service programs.

c) A State agency, unit of local government, or nonprofit, nongovernmental victim service program, so identified pursuant to subsection (b) above, shall be contacted by the Executive Director to assess its interest in and ability to qualify for the receipt of federal funds

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

NOTICE OF PROPOSED AMENDMENTS

required matching money;  
d) the Budget Committee shall, at a public meeting, conducted pursuant to the Open Meetings Act (5 ILCS 120), Rev. Stat. 1985, ch. 102, par. 41-42, seq., designate programs or projects for implementing agencies and amounts for funding which address one or more of the program priorities specified by the Authority in subsection (a) above, consistent with the State and local law Enforcement Assistance Act of 1966; the Budget Committee's decision to designate these programs or services, implementing agencies and fund amounts shall be based upon equal consideration of the following factors:

- 1) the recommendations of the Executive Director made pursuant to subsection (b) above;
  - 2) comments from the public and State and local officials;
  - 3) the availability of funds; and
  - 4) the overall cost of the program or services.
- e) Assistance Act of 1996--the Application to the Bureau of Justice Assistance shall include a statewide strategy for the enforcement of State and local laws relating to the production, possession, and transfer of controlled substances, and those certifications and assurances listed in Section 1303 of the State and local law Enforcement Assistance Act of 1986;
- f) Upon notification by the Bureau of Justice Assistance that an Application has been approved, the Executive Director shall enter into interagency agreements with those implementing agencies designated by the Budget Committee pursuant to subsection (d) above, specifying the terms and conditions under which the programs or projects are to be conducted and the federal funds are to be received; if the Authority is the designated implementing agency, then the Executive Director shall document such terms and conditions, which to become effective must be accepted in writing by the Chairman of the Authority; the terms and conditions shall include but not be limited to reporting requirements that reflect fiscal expenditures and progress toward program objectives, compliance with applicable laws and regulations, maintenance of financial and program records beyond the expiration of the agreement, the prohibition of subcontracting or assignment of agreements without prior written approval of the Authority, audit procedures as described in the federal laws and regulations listed in Section 1520.50(a), and the status of the implementing agency as an independent contractor.

(Source: Repealed at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 1520.47 Application and Receipt of Violence Against Women Act of 1994 Funds

a) The Authority will annually review Section 2001 of the Violence



## ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

## NOTICE OF PROPOSED AMENDMENTS

pursuant to the requirements of the Violence Against Women Act of 1994 and, if so interested and so qualified, to prepare a description of programs or services that identifies the problem to be addressed, states goals and objectives, and indicates the means by which the State agency, unit of local government, or nonprofit, nongovernmental victim service program proposes to achieve those goals and objectives. In assessing the interest in and ability to qualify for the receipt of the above-mentioned funds, the Executive Director shall consider resolutions from county and municipal boards and written assurance from these boards of their ability to obtain the required matching contribution.

- d) A State agency, unit of local government, or nonprofit, nongovernmental victim service program not so contacted by the Executive Director pursuant to subsection (c), shall, however, upon written request to the Executive Director, be included among those State agencies, units of local government, or nonprofit, nongovernmental victim service programs evaluated by the Executive Director pursuant to the criteria established in subsection (b) above. Such written request shall include a description of programs or services that identifies the problem to be addressed, states goals and objectives, and indicates the means by which the State agency, unit of local government, or nonprofit, nongovernmental victim service program proposes to achieve those goals and objectives. In assessing the interest in and ability to qualify for the receipt of federal funds pursuant to the Violence Against Women Act of 1994, the Executive Director shall consider resolutions from county and municipal boards and written assurance from these boards of their ability to obtain the required matching contribution. If the Executive Director determines that the State agency, unit of local government, or nonprofit, nongovernmental victim service program is not so eligible or so qualified, the Executive Director shall notify the State agency, unit of local government, or nonprofit, nongovernmental victim service program, within 45 days after receipt of the written request, that it will not be recommended for funding and the reasons for such recommendation. The State agency, unit of local government, or nonprofit, nongovernmental victim service program may submit a written request for reconsideration to the Chairman of the Budget Committee within 28 days from receiving notice from the Executive Director. The written request for reconsideration shall include the reasons for requesting reconsideration by the Budget Committee.

- e) The Budget Committee shall, at a public meeting conducted pursuant to the Open Meetings Act, designate programs or projects, implementing agencies, and amounts for funding, which address one or more of the program priorities specified by the Authority in subsection (a) above, consistent with the Violence Against Women Act of 1994. The Budget Committee's decision to designate these programs or services, implementing agencies and fund amounts shall be based upon equal consideration of the following factors:

## ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

## NOTICE OF PROPOSED AMENDMENTS

- 1) the recommendations of the Executive Director made pursuant to subsection (b) above and written requests for reconsideration made pursuant to subsection (d) above;
- 2) comments from the public, service providers and State and local officials;
- 3) the proven effectiveness of a program, by making a prudent assessment of the problem to be addressed by a proposed program;
- 4) the likelihood that a program will achieve the desired objectives, by making a prudent assessment of the concepts and implementation plans included in a proposed program and by the results of any evaluations of previous tests, demonstrations or similar programs;
- 5) the availability of funds;
- 6) the overall cost of the program or services; and
- 7) the requirement that a minimum of 25% of the funds received be distributed to each of the following: law enforcement, prosecution, and victim services.

f) Pursuant to Section 2002 of the Violence Against Women Act of 1994, the Application to the Violence Against Women Grants Office ~~Bureau--of Justice--Assistance~~ shall include a State implementation plan describing identified goals and how funds will be used to achieve those goals, and those certifications and assurances listed in Section 2002 of the Violence Against Women Act of 1994.

- g) Upon notification by the Violence Against Women Grants Office ~~Bureau of Justice--Assistance~~ that an Application has been approved, the Executive Director shall enter into interagency agreements with those implementing agencies designated by the Budget Committee pursuant to subsection (e) above, specifying the terms and conditions under which the programs or projects are to be conducted and the federal funds are to be received. If the Authority is the designated implementing agency, then the Executive Director shall document such terms and conditions, which, to become effective, must be accepted in writing by the Chairman of the Authority. The terms and conditions shall include but not be limited to reporting requirements that reflect fiscal expenditures and progress toward program objectives, compliance with applicable laws and regulations, maintenance of financial and program records beyond the expiration of the agreement, the prohibition of subcontracting or assignment of agreements without prior written approval of the Authority, audit procedures as described in the federal laws and regulations listed in Section 1520.50(a), and the status of the implementing agency as an independent contractor.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1520.48 Application and Receipt of other Federal Program Funds

- a) If required by the funding source or if federal program purposes

## ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

## NOTICE OF PROPOSED AMENDMENTS

would be furthered by doing so, the Authority shall select funding priorities which shall guide the funding process. Funding priorities may identify the types of eligible implementing agencies, federal program purpose areas, specific project types, or costs that shall be given consideration for funding. Funding priorities shall be selected by the Authority at a public meeting in conformance with the Open Meetings Act [5 ILCS 120] and the Authority's rules (2 Ill. Adm. Code 1750.330), and shall be developed according to the following criteria:

- 1) if required by the funding source or if federal program purposes would be furthered by doing so, oral and written comment and testimony received at public meetings conducted in conformance with the Open Meetings Act;
- 2) comments from State and local officials, not for profit organizations, or other organizations, entities or persons that have experience and expertise in areas that are relevant to federal program purposes;
- 3) information, current research findings and surveys that are relevant to federal program purposes; and
- 4) analysis of the needs of eligible implementing agencies, the need to fund projects that cover federal program purposes and the need for items that represent allowable costs, as evidenced by relevant demographic, medical, social science, criminal justice and statistical data, and available resources that already address such needs.

b) The Authority shall review the purposes of federal program funds, other than those subject to Section 1520.40, 1520.46 or 1520.47, and make a determination, at a public meeting in conformance with the Open Meetings Act, as to whether a needs-based or competitive funding process would best meet the overall goals and objectives of the federal program. To make that determination, the Authority shall consider:

- 1) the requirements of the funding source, including:
  - A) the number, and types, of federal program purpose areas;
  - B) the number, and types, of implementing agencies eligible for funding;
  - C) the number, and types, of costs to which the funds may be applied; and
  - D) other conditions and restrictions imposed by the funding source, and State and federal law;
- 2) the immediacy of the need to spend the funds, including whether the funds are to be used to serve immediate and vital needs of persons or communities, and whether the length of time during which the funds must be spent is insufficient to allow for a competitive funding process;
- 3) the services currently available to meet the needs of the federal program; and
- 4) funding priorities as described in subsection (a) above, if it

## ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

## NOTICE OF PROPOSED AMENDMENTS

was necessary for the Authority to select such priorities.

c) If the Authority chooses to distribute the funds on a competitive basis as provided in subsection (b) above, then the Executive Director of the Authority shall develop a request for proposals (RFP) based on the following criteria:

- 1) funding priorities as described in subsection (a) above, if it was necessary for the Authority to select such priorities;
  - 2) requirements imposed on the Authority and potential recipient implementing agencies by the funding source, and State and federal law;
  - 3) the nature and complexity of federal program purpose areas;
  - 4) the number and types of implementing agencies eligible to receive funds;
  - 5) an analysis of need, as described in subsection (a)(4) above;
  - 6) information, current research findings and surveys that are relevant to federal program purposes; and
  - 7) demographic, medical, social science, criminal justice and statistical data that is relevant to federal program purposes.
- d) RFPs developed pursuant to the criteria described in subsection (c) above shall include:
- 1) the purposes, goals and objectives of the federal program, and the types of projects that will be considered for funding;
  - 2) requirements that implementing agencies receiving funds must meet, and adhere to, such as eligibility, reporting and fiscal requirements;
  - 3) certifications required by the funding source, and State and federal law, including, but not limited to, the State of Illinois Drug-Free Workplace certification, State and federal debarment certifications, and State bribery and bid-rigging certifications;
  - 4) the criteria by which the Budget Committee or, at the Budget Committee's direction, the Executive Director of the Authority will select proposals for funding; such criteria shall be given an associated weight and shall include:
    - A) the adequacy with which the proposed project reflects the purposes, goals and objectives of the federal program;
    - B) whether the proposer is an eligible implementing agency as defined by federal program requirements;
    - C) the technical merit of the project design, as reflected in the proposal received by the Authority;
    - D) the qualifications of key personnel, as reflected in the descriptions or resumes that the proposer submitted to the Authority, if the nature of the projects that will be considered for funding calls for an assessment of such criteria;
    - E) the sufficiency of the proposal management plan, which includes an assessment of the methods by which the proposer will administer the project, both fiscally and



## ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

## NOTICE OF PROPOSED AMENDMENTS

programmatically, to achieve the goals and objectives of the project;

F) the proposer's capability to carry out the goals and objectives of the project in the manner reflected by the proposal received by the Authority;

G) the adequacy of the proposed project budget, which includes an assessment of the reasonableness and allowability of the costs that were estimated and included in the budget;

H) the proposer's history of administering projects similar to the one proposed and of receiving and managing federal program funds, if applicable; and

I) any additional criteria required by the funding source or that would further federal program purposes;

5) the deadline by which, and location where, proposals must be received by the Authority;

6) the total amount, and sources, of federal funding available for distribution through the RFP process, and the maximum amount of federal funding that eligible implementing agencies may apply for through the submission of an RFP;

7) any matching contribution requirements that shall be imposed upon implementing agencies that receive federal funds;

8) the anticipated time period of the projects which may be funded; and

9) any other information required by the funding source or that would further federal program purposes.

e) The Budget Committee, or, at the Budget Committee's direction, the Executive Director of the Authority, shall make designations as to specific projects, specific implementing agencies and funding amounts, based on the criteria set forth in the RFP, as described in subsection (d) above; Budget Committee designations shall be made, and Executive Director designations shall be reported, at public meetings conducted in conformance with the Open Meetings Act.

f) If the Authority chooses to distribute the funds using a needs based process, based on the criteria in subsection (b) above, then the Executive Director of the Authority shall make funding recommendations to the Budget Committee, which may include recommendations as to implementing agencies, projects, and costs that should be covered by federal program funds; the Executive Director's recommendations to the Budget Committee shall be based upon:

1) funding priorities as described in subsection (a) above, if it was necessary for the Authority to select such priorities;

2) analysis of the needs of types of eligible implementing agencies, the need to fund projects that will cover federal program purposes, and the need for items, such as equipment or services, that represent allowable costs, as evidenced by relevant demographic, medical, social science, criminal justice and statistical data, and available resources that already address such needs;

## ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

## NOTICE OF PROPOSED AMENDMENTS

3) requirements imposed by the funding source, and State and federal law, on the Authority and potential recipient implementing agencies;

4) the nature and complexity of federal program purpose areas;

5) the number and types of implementing agencies eligible to receive funds;

6) comments from the public, State and local officials, not for profit organizations, or other organizations, entities or persons that have experience and expertise in areas that are relevant to federal program purposes; and

7) information, current research findings and surveys that are relevant to federal program purposes.

g) The Budget Committee shall make designations as to specific projects, specific implementing agencies and funding amounts; Budget Committee designations shall be made at public meetings in conformance with the Open Meetings Act and shall be based upon:

1) funding recommendations made by the Executive Director of the Authority according to subsection (f) above;

2) analysis of the needs of eligible implementing agencies, the need to fund projects that will cover federal program purposes, and the need for items, such as equipment or services, that represent allowable costs, as evidenced by relevant demographic, medical, social science, criminal justice and statistical data, and available resources that already address such needs;

3) comments from the public, State and local officials, not for profit organizations, or other organizations, entities or persons that have experience and expertise in areas that are relevant to federal program purposes;

4) the period of availability of the federal program funds and the immediacy of the need to spend the funds, including whether federal program funds are to be used to serve immediate and vital needs of persons or communities that specific implementing agencies and specific projects could readily address;

5) the likelihood that a specific project type will achieve the overall goals and objectives of the federal program by: making an assessment of the adequacy with which a specific project type will meet the purposes, goals and objectives of the federal program; examination of the results of evaluations of existing similar projects; and analysis of results of tests or demonstrations that are relevant to the federal program's purposes, goals and objectives;

6) the effectiveness of a specific project type, by making an assessment of the manner in which a particular problem will be addressed by the project type;

7) the efficiency with which a specific implementing agency could administer a project and the overall costs of specific project types; and

8) the ability of a specific entity to secure alternate funding

## ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

## NOTICE OF PROPOSED AMENDMENTS

sources for the project once federal program funds are no longer available.

- b) Pursuant to applicable federal legislation and guidelines, the Application to the funding source shall include all information, certifications and assurances that are required by the funding source.

- i) Subsequent to notification by the funding source that an Application has been approved, the Executive Director shall enter into interagency agreements with those implementing agencies designated to receive federal program funds pursuant to subsections (e) and (g) above, specifying the terms and conditions under which the projects are to be conducted and the federal funds are to be received. If the Authority is the designated implementing agency, then the Executive Director shall document such terms and conditions, which, to become effective, must be accepted in writing by the Chairman of the Authority. The terms and conditions shall include but not be limited to reporting requirements that reflect fiscal expenditures and progress toward program objectives, compliance with applicable laws and regulations, maintenance of financial and program records beyond the expiration of the agreement, the prohibition of subcontracting or assignment of agreements without prior written approval of the Authority, audit procedures as described in the federal laws and regulations listed in Section 1520.50(a), and the status of the implementing agency as an independent contractor.

(Source: Added at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1520.50 Administration of Federal Funds

- a) All implementing agencies shall operate in conformance with the following state and federal laws, rules, regulations and guidelines, when applicable, hereby incorporated by reference: ~~the--Justice Assistance--Act--of--1984~~; the Victims of Crime Act of 1984; ~~the--State and--local--law--enforcement--assistance--Act--of--1986~~; the Anti-Drug Abuse Act of 1988; the Violence Against Women Act of 1994; ~~the--Office--of--Justice Programs' Financial Guide~~ ~~the--Office--of--Justice--Programs' Financial--and--Administrative--Guide--for--Grants--M7100-1B--(May--157-1990)~~; the Office of Management and Budget Circular A-128 (50 FR 19114, effective April 12, 1985); the Office of Management and Budget Circular A-133 (61 FR 19133, effective April 30, 1996); the Illinois Grant Funds Recovery Act [30 ILCS 705]; the Illinois Purchasing Act [30 ILCS 505]; the State Comptroller Act [15 ILCS 405]; the U.S. Department of Justice, Bureau of Justice Assistance, Rules for Criminal Justice Block Grants (28 CFR 33.1 et seq., effective May 30, 1985); the U.S. Department of Justice Regulations Governing Criminal History Record Information Systems (28 CFR 20.1 et seq., effective December 6, 1977); the U.S. Department of Justice Regulations

## ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

## NOTICE OF PROPOSED AMENDMENTS

Governing the Confidentiality of Identifiable Research and Statistical Information (28 CFR 22.1 et seq., effective December 15, 1976); the Office of Justice Programs Victim Assistance Grant Program Final Program Guidelines (60 FR 55051 et seq., effective October 27, 1995); ~~the--Department--of--Justice--Interim--Final--Program--Guidelines--for--the--Victims--of--Crime--Act--Victim--Assistance--Grant--Program--(60--FR--24980--et--seq--77--effective--May--107--1995)~~; the Department of Justice Program Guidelines for the Drug Control and System Improvement Formula Grant Program (53 FR 52244 et seq., effective December 27, 1988); ~~and~~ the Department of Justice Program Guidelines for the STOP Violence Against Women Formula and Discretionary Grants Program (Grants to Combat Violent Crimes Against Women) (28 CFR 90 et seq., effective April 18, 1995); and any other federal legislation and guidelines that are applicable to federal program funds that the Authority administers. The laws, rules, regulations and guidelines incorporated by reference in this subsection do not include any subsequent amendments or editions. The Authority shall maintain a copy of said incorporated materials and shall make them available for public inspection or copying upon request at no more than cost.

- b) Notwithstanding subsection (c) below, the Executive Director shall suspend performance of any interagency agreement for a period not to exceed 28 days where there has been a determination of nonconformance with any state or federal statute or regulation, such rules, regulations and guidelines specified in subsection (a) above, or the terms or conditions of the agreement. The Executive Director shall reinstate performance of an agreement that has been so suspended if the nonconformance is corrected within 28 days from the date of suspension. However, notwithstanding subsection (c) below, an interagency agreement, for which performance has been suspended, shall be terminated by the Executive Director if performance of the interagency agreement is not reinstated within 28 days from its suspension. Written notice of all such actions by the Executive Director shall be submitted to the implementing agency and members of the Budget Committee as soon as possible, but within five working days.

- c) Upon the request of an implementing agency, the Executive Director shall extend the length of time performance of an interagency agreement may be suspended beyond 28 days for an additional period not to exceed 14 days, if the nonconformance for which performance of the agreement was suspended can be corrected within such extension period and such correction would result in fulfillment of the terms of the agreement. Such an extension shall be granted by the Executive Director only with the consent of the Chairman of the Budget Committee or, in the event the Chairman of the Budget Committee is unavailable for consultation, the Chairman of the Authority. Such consent shall be granted if the nonconformance for which performance of the agreement was suspended can be corrected within such extension period and such correction would result in fulfillment of the terms of the



## ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

## NOTICE OF PROPOSED AMENDMENTS

agreement. Since an extension granted by the Executive Director pursuant to this subsection is initiated by the implementing agency, it shall not be deemed an adverse action under these rules. However, an interagency agreement, for which the period of suspended performance has been extended pursuant to this subsection, shall be terminated by the Executive Director if performance of the interagency agreement has not been reinstated by the Executive Director before the extension period has expired. Such termination may then be appealed as provided by Section 1520.60. Written notice of all such actions by the Executive Director shall be submitted to the implementing agency and members of the Budget Committee as soon as possible, but within five working days.

d) The Executive Director shall immediately terminate any interagency agreement for any reason of nonconformance specified in subsection (b) above, if performance of the agreement has been suspended on at least one prior occasion or if such nonconformance cannot be corrected by the implementing agency in less than 28 days from the date of termination. Written notice of such termination by the Executive Director shall be submitted to the implementing agency and members of the Budget Committee as soon as possible, but within five working days.

e) The Executive Director shall approve any revision to an interagency agreement if such action is necessary to fulfill the terms of the agreement. Material revisions shall be reported to the Budget Committee members at or before the next Budget Committee meeting. However, if a request by an implementing agency for a material revision to an interagency agreement is denied by the Executive Director, written notice of such denial shall be submitted to the implementing agency and members of the Budget Committee as soon as possible, but within five working days.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Special Education
- 2) Code Citation: 23 Ill. Adm. Code 226

<u>Section Numbers:</u>	<u>Proposed Action:</u>
226.600	New Section
226.605	Amendment
226.615	Amendment
226.620	New Section
226.622	Amendment
226.625	Amendment
226.632	Amendment
226.633	New Section
226.636	Amendment
226.645	New Section
226.675	Amendment
226.680	Repeal
226.682	Repeal
226.683	New Section
226.684	Repeal
226.688	Repeal
226.690	Repeal
226.692	Amendment
226.695	Amendment

- 4) Statutory Authority: 105 ILCS 5/2-3.6.

5) A Complete Description of the Subjects and Issues Involved: These proposed amendments respond to P.A. 89-652, which was enacted in 1996 and requires major changes in the system for holding impartial due process hearings related to special education. Effective July 1, 1997, Level I and Level II hearings are abolished in favor of a one-step system, necessitating numerous changes in the procedures and requirements set forth in Subpart J of the rules. The title of that Subpart is being changed from "Level I and Level II Due Process Hearings" to "Impartial Due Process Hearings." Several Sections that no longer apply are being repealed, and minor technical corrections are being made.

- 6) Will this proposed rule replace an emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed amendments contain incorporations by reference? The rules do not contain an incorporation by reference under Section 5-75 of the Illinois Administrative Procedure Act.

- 9) Are there any other proposed amendments pending on this Part? No

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

10) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a state mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this notice to:

Sally Vogl  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street  
Springfield, IL 62777  
(217) 782-0541

12) Initial Regulatory Flexibility Analysis: These rules will not affect small businesses.

13) Regulatory Agenda on which this rulemaking was summarized: January 1997

The full text of the proposed rulemaking begins on the next page:

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER f: INSTRUCTION FOR SPECIFIC STUDENT POPULATIONS

PART 226

SPECIAL EDUCATION

SUBPART A: DEFINITION OF TERMS

Section	Terms Defined
226.5	

SUBPART B: RESPONSIBILITY FOR SPECIAL EDUCATION

Section	
226.10	Cost to be Borne by Local School District
226.20	Comprehensive Program of Special Education
226.30	Cooperative Special Education Programs
226.40	Rights of Children Requiring Special Education-Exclusion

SUBPART C: THE ESTABLISHMENT AND ADMINISTRATION OF SPECIAL EDUCATION

Section	
226.110	Educational Needs to be Met
226.115	Continuum of Program Options
226.120	Ages for Which Programs are to be Available
226.125	Least Restrictive Environment
226.130	Facilities for Classes for Handicapped
226.135	Written Policies for Handicapped Students' Records
226.140	Director of Special Education
226.145	Supervision
226.150	Role of Local District Administrator
226.155	Responsibilities to Be In Writing
226.160	Approval of Programs and Services Not in Compliance With This Part

SUBPART D: SPECIAL EDUCATION INSTRUCTIONAL PROGRAMS AND RESOURCE PROGRAMS

Section	
226.210	Design of Special Education Instructional Programs
226.215	Curriculum for Instructional Programs
226.220	Factors to Consider in Developing Instructional Programs
226.225	Instructional Class Size
226.230	Integration of Student Into Standard Program
226.240	Special Education Resource Programs

SUBPART E: SPECIAL EDUCATION RELATED SERVICES



## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

Section  
 226.250 Related Services to be Provided by School District  
 226.260 Other Related Services  
 226.270 Student Based Objectives  
 226.280 Specific Objectives  
 226.290 Time Spent on Behalf of Students

## SUBPART F: PREVOCATIONAL PROGRAM

Section  
 226.310 Provision of Prevocational Programs  
 226.315 Determination of Need for Prevocational Program  
 226.320 Vocational Plan  
 226.325 Community Work Experiences  
 226.330 Time Spent in Community Work Experiences  
 226.335 Supervision of Community Work Experiences  
 226.340 Coordination With Other Vocational Programs

## SUBPART G: HOME OR HOSPITAL PROGRAM

Section  
 226.350 Content of Home and Hospital Programs  
 226.355 To Whom Provided  
 226.360 Commencement  
 226.365 Amount of Instruction and Related Services  
 226.370 Scheduling  
 226.375 Summer Instructional Service  
 226.380 Conferences to Facilitate Student's Return  
 226.385 Improper Use of Home and Hospital Program

## SUBPART H: STATE OPERATED OR PRIVATE PROGRAMS

Section  
 226.410 Referral to State or Private Facilities  
 226.415 Availability of Community Resources  
 226.420 Residential Placement  
 226.425 District's Responsibility to Locate Alternate Programs  
 226.430 Local District Responsible for Payment When Private Facility is Utilized  
 226.435 Annual Approval of Private Placements  
 226.440 Agreement Between Local School District and Private Facility  
 226.442 Supportive Data to be Maintained  
 226.445 Transportation and Other Services  
 226.450 Monitoring of Student Progress by School District  
 226.460 Annual Transportation (Repealed)

## SUBPART I: IDENTIFICATION, EVALUATION AND PLACEMENT

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

Section  
 226.505 Communication of Special Education Programs to Public  
 226.510 Child Find Activities  
 226.515 Case Study Evaluation Process  
 226.520 Notification to Parents of Exceptional Children  
 226.525 Parental Consent  
 226.530 Parental Objection  
 226.532 Determination of Communication Mode(s) and Cultural Background  
 226.535 Case Study Evaluation Components  
 226.538 Incomplete Case Study Evaluation  
 226.540 Case Study to be Nondiscriminatory  
 226.542 Use of Outside Study  
 226.544 Independent Educational Evaluation  
 226.545 Home/Hospital Services Eligibility  
 226.548 Speech and Language Case Study Conclusions  
 226.550 Formulation of Program and Service Options  
 226.552 Characteristics Determining Eligibility for Special Education  
 226.555 Determination of Recommendations for Special Education and Related Services Eligibility  
 226.558 Results and Recommendations to be in Writing  
 226.560 Development of IEP and Placement Decision  
 226.562 IEP Content and Parental Access  
 226.564 Authority of School Board to Place Students  
 226.566 Completion to be in 60 School Days  
 226.568 Notice to Parents Before Placement  
 226.570 Parents' Response to Notice of Proposed Placement  
 226.572 Parents' Objection to Proposed Placement (Repealed)  
 226.575 Timeline for Placement  
 226.578 Annual Review of Child Status  
 226.580 Notice to Parents Regarding Evaluation  
 226.585 Written Notice to Parents  
 226.590 Written Notice to Parents Prior to Change in Placement  
 226.595 Termination of Special Education Services

## SUBPART J: IMPARTIAL HEVBE-I-AND-BEVBE-II DUE PROCESS HEARINGS

Section  
 226.600 Calculation of Timelines  
 226.605 Request for ~~Bevel-I~~ Hearing  
 226.610 Information to Parents Concerning Right to Hearing  
 226.612 Request for Hearing To Be Made to Superintendent (Repealed)  
 226.615 Procedure for Request ~~for-Hearing~~  
 226.620 Denial of Hearing Request ~~(Repealed)~~  
 226.622 Qualifications, Training, and Service of Impartial Due Process ~~Bevel~~  
 # Hearing Officers  
 226.625 Appointment of Impartial Due Process ~~Selection-of-Bevel-I~~ Hearing  
 Officer  
 226.630 Purpose of Hearing (Repealed)

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

226.631 Removal of Registered Hearing Officers (Repealed)  
 226.632 Scheduling the Hearing and Pre-Hearing Conference  
 226.633 Conducting the Pre-Hearing Conference  
 226.635 Hearings Open to Public and to Child Who is Subject (Repealed)  
 226.636 Rights of the Parties Prior to the Hearing  
 226.640 Rights of the Parties During the Hearing  
 226.645 Powers and Duties of Hearing Officer  
 226.650 Hearing Concerning Any Other Controversy (Repealed)  
 226.655 Local School District's Responsibility (Repealed)  
 226.660 Cross-Examination (Repealed)  
 226.665 Rules of Evidence Not Applicable (Repealed)  
 226.670 Record of Proceedings  
 226.675 Decision of Hearing Officer; Clarification  
 226.680 Filing of an Appeal (Repealed)  
 226.682 Filing of Administrative Record (Repealed)  
 226.683 Actions During Pendency  
 226.684 Placement of the Child Pending Completion of a Level II Review (Repealed)  
 226.685 State Level Review (Repealed)  
 226.688 Oral Arguments and Extensions of Time (Repealed)  
 226.690 Timeliness and Finality of Reviewing Officer's Decision (Repealed)  
 226.692 Monitoring and Enforcement of Decisions; ~~Right-of-Civil-Action?~~  
 Notice of Funding Ineligibility  
 Reporting of Decisions  
 226.695 Enforcement of State Superintendent's Decision (Repealed)  
 226.698

## SUBPART K: SURROGATE PARENTS

Section  
 226.710 Surrogate Parents  
 226.720 Contacting Parents of Child  
 226.730 Appointment of Surrogate Parent  
 226.740 Notice to School District Concerning Surrogate Parent  
 226.750 Expenses for Surrogate Parent  
 226.760 Notification that Surrogate Parent is Not Needed  
 226.770 Replacement by Natural Parent  
 226.780 Immunity of Surrogate Parent

## SUBPART L: SPECIAL EDUCATION PERSONNEL

Section  
 226.810 Employment of Sufficient and Trained Personnel  
 226.820 Qualifications of Professional Instructional Personnel  
 226.830 Qualifications of Other Professional Personnel  
 226.838 Qualified Bilingual Specialists  
 226.840 Qualifications of Directors and Assistant Directors  
 226.850 Qualifications of Supervisory Personnel  
 226.860 Qualifications of Chief Administrator

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

226.870 Necessary Noncertified Personnel  
 226.880 Function of Special Education Personnel  
 226.890 Personnel Development Program

## SUBPART M: SPECIAL TRANSPORTATION

Section  
 226.910 Eligibility for Transportation  
 226.920 Vehicles Used  
 226.930 Training of Personnel  
 226.935 Provision for Transportation  
 226.938 Change in Mode of Transportation  
 226.940 Scheduling of Transportation  
 226.950 Transportation and Instructional Schedule  
 226.960 Transportation to a Residential School

## SUBPART N: EVALUATION OF SPECIAL EDUCATION

Section  
 226.1010 Evaluation By State Board  
 226.1020 Bases of Evaluation  
 226.1030 Elements of State Board Evaluation  
 226.1040 Availability of State Board Evaluation  
 226.1050 Effect of Evaluation on School District

## SUBPART O: SPECIAL EDUCATION SERVICES FOR CHILDREN IN RESIDENTIAL CARE FACILITIES

Section  
 226.1110 Equal Access for Children in Residential Care Facilities  
 226.1112 Definitions from Section 14-7.03  
 226.1115 Exclusions When Implementing Section 14-7.03  
 226.1120 Enrollment in District Required  
 226.1125 Requirements for Educational Program on Site of Orphanage or Children's Home  
 226.1130 Approval of Special Education Program at Orphanage or Children's Home  
 226.1135 Least Restrictive Environment  
 226.1140 IEP for All Children  
 226.1145 Compliance With This Part Subject to State Board of Education Evaluation  
 226.1150 Criteria for Eligibility of Children  
 226.1155 Resident Children Eligible for All Privileges  
 226.1160 Local District Policies Applicable  
 226.1170 Communications Regarding Child's Special Education Reimbursement  
 226.1175 Possible Waiver of Sections 226.1120 and 226.1150  
 226.1185 Computation of District's Reimbursement



## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

226.1190 Preapproval Application  
226.1195 Documentation of Expenses

**AUTHORITY:** Implementing Article 14 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/Art. 14 (see P.A. 89-652, effective August 14, 1996) and 2-3.6].

**SOURCE:** Adopted August 12, 1976; rules repealed and new emergency rules adopted at 2 Ill. Reg. 37, p. 29, effective September 1, 1978, for a maximum of 150 days; rules repealed and new rules adopted at 3 Ill. Reg. 5, p. 932, effective February 1, 1979; emergency amendment at 4 Ill. Reg. 38, p. 328, effective September 15, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 8021, effective July 22, 1981; amended at 6 Ill. Reg. 558, effective December 23, 1981; emergency amendment at 7 Ill. Reg. 6511, effective May 6, 1983, for a maximum of 150 days; emergency amendment at 7 Ill. Reg. 8949, effective July 15, 1983, for a maximum of 150 days; codified at 8 Ill. Reg. 6669; amended at 8 Ill. Reg. 7617, effective May 17, 1984; emergency amendment at 10 Ill. Reg. 3292, effective January 27, 1986, for a maximum of 150 days; emergency expired June 24, 1986; amended at 10 Ill. Reg. 18743, effective October 22, 1986; amended at 10 Ill. Reg. 19411, effective October 31, 1986; amended at 13 Ill. Reg. 15388, effective September 14, 1989; emergency amendment at 14 Ill. Reg. 11364, effective June 26, 1990, for a maximum of 150 days; emergency expired November 23, 1990; amended at 15 Ill. Reg. 40, effective December 24, 1990; amended at 16 Ill. Reg. 12868, effective August 10, 1992; emergency amendment at 17 Ill. Reg. 13622, effective August 3, 1993, for a maximum of 150 days; emergency expired December 31, 1993; amended at 18 Ill. Reg. 1930, effective January 24, 1994; amended at 18 Ill. Reg. 4685, effective March 11, 1994; amended at 18 Ill. Reg. 16318, effective October 25, 1994; amended at 19 Ill. Reg. 7207, effective May 10, 1995; amended at 20 Ill. Reg. 10908, effective August 5, 1996; amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART J: IMPARTIAL HEARINGS--AND--LEVEL--II DUE PROCESS HEARINGS

## Section 226.600 Calculation of Timelines

For purposes of compliance with the requirements of Section 14-8.02a of the School Code [105 ILCS 5/14-8.02a; see P.A. 89-652, effective August 14, 1996] and the timelines set forth in this Subpart J, "days" shall be construed in accordance with Section 1.11 of the Statute on Statutes [5 ILCS 70/1.11].

(Source: Added at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## Section 226.605 Request for Level--I Hearing

- a) The parents or other representatives of the child, the school district, or the student acting upon his or her own behalf may request

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

an impartial due process ~~a-level-I~~ hearing.

- b) A ~~level-I~~ hearing may be requested for, but not limited to, the following reasons:

- 1) Objection to signing consent for a proposed case study evaluation or initial placement.
  - 2) Failure of the local school district, upon request of the parents, other persons having primary care and custody of the child, the child, or the State Board of Education (in this Subpart, the State Board), to provide a case study evaluation.
  - 3) Failure of a local school district to consider evaluations completed by qualified professional personnel outside the school district.
  - 4) Objection to a proposed special education placement, either an initial placement, a continuation of a previous placement, or a change in the placement.
  - 5) Termination of a special education placement.
  - 6) Failure of the local school district to provide a special education placement consistent with the finding of the case study evaluation and the recommendations of the multidisciplinary conference.
  - 7) Failure of the local school district to provide the least restrictive special education placement appropriate to the child's needs.
  - 8) Provision of special education instructional or resource programs, or related services in an amount insufficient to meet the child's needs.
  - 9) Recommendation for the graduation of a an-exceptional child.
  - 10) Failure of the local school district to ensure compliance with the provisions of Section 226.40 of this Part.
  - 11) Failure of the local school district to comply with any provision of this Part or of these rules-and/or the School Code.
  - 12) Failure of the local school district to provide a an-exceptional child with a free appropriate public education.
- c) Receipt of a request for an impartial due process hearing shall cause the child to remain in his or her current education placement, unless a mutual agreement is reached between the parents and local school district, until the matter is resolved.
- d) If the child is receiving no educational service and the parents are seeking initial placement in a public school, the child, with the consent of the parents, must be placed in the public school program until the completion of all the proceedings.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## Section 226.615 Procedure for Request for Hearing

Pursuant to Section 226.605 of this Part Subpart, either the school district,

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

or the parent or guardian parents of any child resident within the district, or a student, if at least 18 years of age or emancipated, may request an impartial due process a-bevei-i hearing. A parental or student's request for a hearing shall be made, in writing, to the superintendent of the local school district in which the child is a resident.

a) If the district makes the request, it shall be sent in writing to the State Board, attention Division of Program Compliance Special Education-Department, in Springfield, and at the same time a copy shall be sent to the other party. This letter shall include the information set forth in subsections subsection (b)(1)(A), (C) and (D) of this Section.

b) When the local school district receives a request for a bevei-i hearing from the parents of a the child or from an emancipated student, then within five (5)-school days after of its receipt of the request the local-school district shall:

1) Send a certified letter to the State Board (attention Division of Program Compliance Special-Education-Department, in Springfield) requesting the appointment of an impartial due process a-bevei-i hearing officer. This letter shall include:

A) the name, address, and telephone number of the child and parents, and of the person making the request for the hearing, if it is someone other than the child or parents;

B) the date on which the request for the hearing was received by the local school district;

C) the nature of the controversy to be resolved;

D) the primary language spoken by the parents and child; and

E) a copy of the parent's request.

2) Send to the person requesting the hearing, by certified mail, a copy of the letter sent to the State Board.

A) If the hearing has been requested by someone other than the child's parents, the district shall inform the parents by certified mail of the request and invite them to participate in the proceedings.

B) All references to parents made in the remainder of this Subpart shall be understood to include both the parents and the person requesting the hearing.

3) If desired in the interest of time, transmit the letter by FAX in addition to certified mail.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 226.620 Denial of Hearing Request (Repeated)

A request for an impartial due process hearing may not be denied for any reason.

(Source: Old Section repealed at 15 Ill. Reg. 40, effective December 23,

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

1990; amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 226.622 Qualifications, Training, and Service of Impartial Due Process bevei-i Hearing Officers

a) In order to be considered for training as an impartial due process hearing officer, an individual must hold a master's degree, a juris doctor degree, or a bachelor's degree in combination with relevant experience.

1) For purposes of this Subpart J, "relevant experience" means at least three years' experience, whether paid or voluntary, in special education, disability-related issues, or advocacy.

2) Employees of the State Board of Education, school districts, special education cooperatives, regional service areas or centers, regional education cooperatives, or private providers of special education facilities or programs may not serve as impartial due process hearing officers. (See Section 14-8.02a(c) of the School Code.)

3) Except as provide in Section 14-8.02a(f) of the School Code, former employees of or independent contractors to the State Board of Education, school districts, special education cooperatives, regional service areas or centers, regional education cooperatives, or private providers of special education facilities or programs shall not be disqualified as potential hearing officers by virtue of such employment or service.

b) An ~~to-qualify-as-a-bevei-i-hearing-officer~~ individual wishing to qualify as an impartial due process hearing officer shall submit an application to the State Board. In completing the application form, which shall be provided by the State Board, the individual shall disclose at least the following information:

1) name and address;

2) degree(s) held ~~any-baccalaureate-or-advanced-degrees-received~~;

3) current employment status, including if applicable the employer's name and the title of the employee's position; and

4) school district of residence; and

5) professional background and relevant experience.

b) ~~in-order-to-qualify--the-individual-must-hold-at-least-a-baccalaureate degree-or-higher-from-a-college-or---institution--of--higher--education accredited--by--the--North-Central--Association--or--other-comparable regional-accrediting-association-and-may-not-be-employed-by-the--State Board.~~

c) Persons who have complied with the requirements of subsections (a) and (b) of this Section shall, if recommended by the Screening Committee to the Advisory Council on Education of Children with Disabilities pursuant to Section 14-8.02a(b) of the School Code, then take and successfully complete a training course conducted by the State--Board as provided in subsection--(d)--of--this Section 14-8.02a(d) of the



## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

## School Code.

- d) From among the candidates successfully completing the initial training, the Advisory Council on Education of Children with Disabilities shall select the number of hearing officers deemed necessary by the State Board of Education. Such selection shall be based upon objective criteria developed and made available to the public by the Advisory Council. ~~The State Board shall, at least annually, conduct a training course to provide instruction in applicable federal and state law, regulations, and case law to persons who have qualified pursuant to subsections (a) and (b) of this Section. The State Board shall maintain a list of all persons who have qualified for instruction to become level I hearing officers, which list shall be in addition to the registry of currently qualified level I hearing officers. The State Board shall send written notice to all listed applicants and to the current level I hearing officers at least thirty (30) calendar days prior to the convening of the training course. The State Board shall, upon completion of each training course, certify as level I hearing officers those persons attending who have satisfactory demonstrated by examination that they have acquired sufficient familiarity with federal and state law, regulations and case law as to be certifiable to serve as level I hearing officers. The State Board shall place the names of such persons on the level I hearing officer registry, and shall make their names available for selection as level I hearing officers on the same basis as previously certified persons. Level I hearing officers attending a training course in order to remain certified as hearing officers shall be excused from the examination administered to applicants.~~
- e) All persons whose names appear on the registry shall be eligible to serve as level I hearing officers. Such eligibility shall continue for so long as the individual meets all qualification requirements set forth in Section 14-0.02(f) of the School Code and in this Section and does not become subject to disqualification as provided in subsection (f) of this Section.
- e)f) Each level I hearing officer shall at least annually attend a review session and/or training course authorized by the State Board. The State Board shall ensure that such review sessions are offered at least annually. Failure to attend a required annual review session or training course shall result in the hearing officer's termination removal from the registry of qualified hearing officers.

## f) Conditions of Service

Hearing officers' terms of service and subsequent reappointment shall be as provided in Section 14-8.02a(d) and (e) of the School Code.

- 1) A hearing officer shall accept each case to which he or she is assigned, unless:

- A) the hearing officer is ill;  
 B) the hearing officer has a personal, professional, or financial conflict which would affect his or her objectivity

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- with respect to a particular case; or
- C) the hearing officer is ineligible to accept a particular case pursuant to Section 226.625(a) of this Part.
- 2) A hearing officer whose other commitments will interfere with his or her ability to accept cases for more than 15 days shall so notify the State Board of Education in writing.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## Section 226.625 Appointment of Impartial Due Process Selection of Level I Hearing Officer

- a) Upon receipt of a the request for a level I hearing the State Board shall, within five (5) working days, appoint an impartial due process hearing officer and notify that individual and the parties of his or her appointment. Prior to making any appointment, the State Board shall review the background of the prospective appointee in order to establish that: send to the parties by certified mail a list of the names of the first five registered level I hearing officers who possess the qualifications set forth in this subsection. In selecting the names of the hearing officers to be sent to the parties, the State Board shall ensure that the following criteria are met:
- 1) the individual has never been employed by or administratively connected with the school district or special education cooperative involved in the case; No one on the list shall be a resident in the school district;
  - 2) the individual is not a resident of the district involved; and No one on the list shall be employed by the district involved in the dispute, or by any cooperative program in which the district participates, or by any other agency or organization that is directly involved in the diagnosis, education or care of the child;
  - 3) the prospective appointee has no apparent personal, professional, or financial interest that would interfere with his or her objectivity regarding the matter at issue. No more than two persons named on the list shall be gainfully employed by or serve in any other compensated administrative position or capacity with any school district, or any joint agreement or cooperative program in which school districts participate;
  - 4) No more than two persons named on the list shall be gainfully employed by or serve in any other compensated administrative position or capacity with private providers of special education services;
  - 5) The names on the list shall be of those who are available to serve as hearing officers if selected by the parties. For purposes of availability for selection a hearing officer shall be deemed available unless the officer:

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- A) is-it?
- B) is-already-serving-as-a-hearing-officer-in-another-dispute and-does-not-wish-to-serve-in-simultaneous-hearings?
- E) has-other-professional-commitments-which-would-preclude discharging-his-or-her-duties-in-a-timely-manner-in-which case-the-hearing-officer-shall-notify-the-State-Board-in writing-of-his-or-her-unavailability-if-it-is-expected-to continue-for-more-than-thirty-(30)-calendar-days-or declines-to-be-available-which-a-hearing-officer-may-do twice-without-explanation-within-any-given-twelve-month period-

- b) An appointee who does not meet the requirements set forth in subsection (a) of this Section shall recuse himself of herself within five days after receiving notification of the appointment. Notification to the State Board of such recusal may occur by telephone, provided that a written statement is also supplied. Upon receipt-of-the-list-by-the-parties-they-shall-proceed-with-the parents-having-the-right-to-strike-first-to-strike-from-the-list alternately-the-names-of-the-hearing-officers-until-only-one-name remains-The hearing-officer-whose-name-remains-shall-thereby-have been-selected-as-the-hearing-officer-Upon-selection-by-the-parties-of the-hearing-officer-the-district-shall-immediately-notify-the-State Board-Department-of-Special-Education-by-telephone-of-the-name-of the-hearing-officer-selected-and-shall-transmit-the-name-in-writing-to the-State-Board-no-later-than-the-fifth-calendar-day-after-receipt-of the-list-by-the-parties-

- c) A party to a due process hearing shall be permitted one substitution of a hearing officer as a matter of right (Section 14-8.02a(f) of the School Code). A request for a substitute hearing officer shall be made in writing to the State Board of Education within five days after receipt of notification of the hearing officer's appointment. Upon receiving notice-by-telephone-from-the-district-of-the-name-of-the hearing-officer-selected-by-the-parties-the-State-Board-shall-inform said-officer-of-this-fact-by-telephone-including-the-names-addresses and-if-available-the-telephone-number-of-the-persons-to-be-contacted as-the-representatives-of-the-parties-to-the-hearing-the-State-Board shall-also-send-this-information-in-writing-to-the-selected-hearing officer-within-two-(2)-working-days-of-its-receipt-of-written notification-from-the-district-pursuant-to-subsection-(b)-of-this Section-The State-Board-shall-place-the-names-of-the-four-hearing officers-not-selected-at-the-bottom-of-the-list-of-hearing-officers-
- d) Section 14-8.02a(f) of the School Code contemplates two situations requiring the appointment of a hearing officer other than the individual who originally receives the case under the rotation system and specifies different methods of selecting a replacement.

- 1) When the originally appointed hearing officer is unavailable or recuses himself or herself before the parties are notified of his or her appointment, the State Board shall appoint the next

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- scheduled hearing officer under the rotation system.
- 2) When a hearing officer recuses himself or herself after learning the circumstances of a case, or when a party to the hearing submits a proper request for substitution, the State Board shall, within five days, select and appoint another hearing officer at random.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 226.632 Scheduling the Hearing and Pre-Hearing Conference

- a) Within five (5)-calendar days after of receiving written notification by the State Board, the appointed selected hearing officer shall contact the parties to determine a time and place reasonably convenient to the parties and otherwise in accordance with Section 14-8.02a(g) of the School Code for convening the hearing and pre-hearing conference.
- b) The hearing officer shall provide the parties at least ten days' written notice of the dates, times, and locations of the pre-hearing conference and the hearing. the-hearing-shall-be-scheduled-at-a-time and-place-reasonably-convenient-for-the-parties-The hearing-shall-be convened-within-fifteen-(15)-calendar-days-of-the-hearing-officer's receipt-of-the-written-notice-of-selection-from-the-State-Board-unless in-the-judgment-of-the-hearing-officer-extenuating-circumstances warrant-a-delay-

- c) Either party may request a delay in convening the hearing and/or pre-hearing conference. The party requesting a delay shall do so in writing to the hearing officer, with a copy sent at the same time to the other party. The requesting party shall set forth the reasons for the request and the hearing officer shall, upon receiving the request, and subject to the provisions of Section 226.636(c) of this Part, either grant or deny the request, and shall so inform the parties and the State Board of Education in writing. If necessary, the hearing officer shall determine a new time and date for convening the hearing and/or pre-hearing conference.

- 1) If the parties jointly propose to-the-hearing-agree-to a delay in convening the hearing or pre-hearing conference, it the-hearing shall be delayed as agreed. The hearing officer, being advised of such agreement, shall confirm the delay in writing to the parties and the State Board of Education. Such notice shall become part of the administrative record.

- 2) If the parties cannot agree to a mutually convenient time and place for convening the hearing and/or pre-hearing conference, the hearing officer shall fix such time and place, notify the parties in writing, and proceed to convene and conduct the pre-hearing conference and hearing, provided that the delay shall not continue for a period longer than necessitated by the exigent



## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

circumstances that precipitated the delay.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 226.633 Conducting the Pre-Hearing Conference**

- a) The hearing officer shall convene the pre-hearing conference in accordance with Section 14-8.02a(g) of the School Code.
- b) Any party to the pre-hearing conference shall be permitted to participate by teleconference (Section 14-8.02a(g) of the School Code). It shall be the responsibility of the parties to ensure that any information required at the pre-hearing conference is received by the hearing officer and the other party prior to the conference.
- c) At the conclusion of the pre-hearing conference, the hearing officer shall prepare a report of the conference that shall be entered into the hearing record. The report shall include, but need not be limited to:
  - 1) the issues, the order of presentation, and any scheduling accommodations that have been made for the parties or witnesses;
  - 2) a determination of the relevance and materiality of documents or witnesses, if raised by a party or the hearing officer; and
  - 3) such stipulations of fact as have been agreed to during the pre-hearing conference.

(Source: Added at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 226.636 Rights of the Parties Prior to the Hearing**

- a) The parties have the right to be represented at their own expense by counsel, or to be represented and assisted by other persons having special knowledge of this Part, or training as advocates. The district shall inform the parents of any free or low cost legal services which may be available in their area, and of the availability of publicly funded advocacy services. ~~The parties may be represented as indicated herein throughout the hearing and, if it is held, the hearing is~~ review.
- b) The parents may inspect and review all school records pertaining to their child and, subject to the provisions of 23 Ill. Adm. Code 375.50 (Student Records), may obtain copies of any such records at their own expense.
- c) The parents shall have access to the district's list of independent evaluators, and may obtain an independent evaluation of their child at their own expense. If acquisition of a completed independent evaluation requires a delay in convening the hearing, the parents shall request such delay as provided in Section 226.632(c) of this Part. The hearing officer shall thereupon delay the hearing until such

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

time as the independent evaluation is completed, the report is available, and the opposing party has been afforded, in the judgment of the hearing officer, a reasonable opportunity to review it. The parents may ask the hearing officer to determine whether an independent evaluation is needed. The parents may ask the hearing officer to consider whether an independent evaluation is needed. If the hearing officer concludes, after reviewing the available information, that an independent evaluation is necessary to inform the hearing officer concerning the services to which the child may be entitled, it shall be so ordered and provided at local school district expense. The hearing officer shall thereupon delay the hearing as provided for herein.

- d) Either party to the hearing has the right to the disclosure at least five ~~57~~ calendar days prior to the hearing of any evidence to be introduced.
- e) Either party may compel the attendance of any school district employee at the hearing, or any other person who may have information relevant to the needs, abilities, the proposed program, or the status of the child. At the request of either party, the hearing officer shall issue subpoenas to compel the testimony of witnesses or the production of documents relevant to the case at issue. If any person refuses to comply with a subpoena issued under this Section, court action may be sought as provided in Section 14-8.02a(g) of the School Code. ~~attendance of witnesses upon a showing by the party requesting issuance that the evidence or testimony sought is reasonably necessary to a fair resolution of an issue or issues in dispute and that the evidence or testimony sought may not be otherwise available.~~
- f) Either party may request that an interpreter be available during the hearing because one of the parties is hearing impaired and/or uses a primary language other than English. Such interpreters shall be provided at the public provider's expense.
- g) The educational placement of the child shall not be changed pending completion of the ~~hearing~~ hearing except as provided in Section 14-8.02a(j) of the School Code ~~226.684 of this Part.~~

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 226.645 Powers and Duties of Hearing Officer**

- a) Once appointed, the impartial due process hearing officer shall not communicate with the State Board of Education or its employees concerning the hearing and shall not initiate or participate in any ex parte communications with the parties, except as provided in Section 14-8.02a(g) of the School Code.
- b) The hearing officer shall disclose any actual or potential conflict of interest to the parties upon learning of such a conflict.
- c) The hearing officer shall conduct the hearing and, with respect

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

thereto, shall have but not be limited to the following powers:

- 1) To administer oaths;
  - 2) To examine witnesses;
  - 3) To issue subpoenas;
  - 4) To rule upon the admissibility of evidence;
  - 5) To order independent evaluations;
  - 6) To grant specific extensions of time;
  - 7) To read into the hearing record any stipulations of fact and other matters agreed upon at the pre-hearing conference and to enter into the record any pre-hearing orders;
  - 8) To render decisions and issue orders and clarifications.
- d) The hearing officer shall comply with applicable timelines established in Section 14-8.02a of the School Code.

(Source: Added at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 226.675 Decision of Hearing Officer; Clarification

a) Within ten (10) school days after the conclusion of the hearing, the hearing officer shall issue a written decision which sets forth the issues in dispute, findings of fact based upon the evidence and testimony presented, and the hearing officer's conclusions and orders. The hearing officer shall determine whether the evidence establishes that the child has needs which require special education services, and if so whether such services and placement as are being proposed or provided by the district are appropriate given the identified needs of the child. The hearing officer shall order the parties to take all steps necessary to ensure appropriate placement and services for any child found to be eligible for special education services. The hearing officer shall specify the procedures necessary to ensure timely compliance with his or her order, in accordance with Section 14-8.02a(j) of the School Code which compliance period shall not exceed thirty (30) calendar days unless exceptional circumstances exist which in the hearing officer's judgment warrant a delay in implementation in instances of delay the hearing officer shall detail the procedures to be followed to ensure compliance within a specified additional period of time.

b) The hearing officer's decision shall be sent by certified mail to the parties enumerated in Section 14-8.02a(h) of the School Code and a copy sent by certified mail to the State Board. The decision shall be translated into the native language of the parents if their primary language is other than English.

c) The written decision shall be binding upon the parties unless a party aggrieved by the decision commences a civil action as provided in Section 14-8.02a(i) of the School Code files an appeal as provided in Section 226-680 of this Part.

d) As provided in Section 14-8.02a(h) of the School Code, the hearing

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

officer shall retain jurisdiction after issuance of his or her decision for the sole purpose of considering a request for clarification. A request for clarification shall be submitted and acted upon as provided in Section 14-8.02a(h) of the School Code.

e) The hearing officer, if not appealed pursuant to subsection (c) of this Section, shall be enforced by the State Board as provided in Section 226.692 of this Part.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 226.680 Filing of an Appeal (Repealed)

a) Any party aggrieved by the decision of the hearing officer may file for a hearing if review. The appeal request shall be in writing, shall be filed by mail or personal service no later than thirty (30) calendar days after receipt by the party of the hearing officer's decision, and shall be submitted to the State Board of Education, Attention: Legal Department, 180 North First Street, Springfield, Illinois 62777. At the time of filing the appeal, the appealing party shall serve a copy of the appeal request upon the opposing party by mail or personal service.

b) A request for a hearing if review shall:

- 1) state that an appeal of a hearing officer's decision is being requested;
- 2) set forth the portions of the hearing officer's decision with which the party disagrees;
- 3) set forth the reasons the decision should be changed;
- 4) state the relief requested;
- 5) set forth a request for oral argument, if desired; and
- 6) state that a copy of the request has been served on the opposing party.

c) Upon receipt of any appeal request, the State Board of Education shall immediately transmit to the parties by certified mail a list naming five available and qualified impartial reviewing officers. Upon receipt of said list, the district representative shall immediately telephone the parents. The parties shall then, with the parents striking first, alternately strike names from the list of reviewing officers until only one name remains. The reviewing officer whose name remains shall be the reviewer selected by the parties. The district shall, no later than five (5) calendar days after receipt of the list by the parties, telephone the Legal Department of the State Board of Education and provide the name of the selected reviewing officer. The district shall simultaneously send verification in writing by certified mail of the name of the selected reviewing officer to the Legal Department of the State Board of Education and to the opposing party.

d) To ensure immediate transmittal of the list of five qualified reviewing officers, the Legal Department of the State Board of



## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

Education shall maintain a registry of all persons qualified pursuant to Section 14-8-02(h) of the School Code (Ill. Rev. Stat. 1917, ch. 122, par. 14-8-02(h)) (105 ILCS 5/14-8-02(h)). The Begal Department shall ensure that each person on the list of five reviewing officers to be sent to the parties is trained as provided by Section 14-8-02(h) of the School Code. It is not subject to disqualification pursuant to any of the restrictions provided for in the statute affecting impartiality and is not presently conducting a level II review. Upon request for appeal, the Begal Department shall confirm the availability of the persons whose names will appear on the list to be transmitted to the parties. The State Board of Education shall send to the parties the names of the first five reviewing officers from the registry who are available and possess the qualifications set forth in this subsection. Upon receiving notice by telephone from the district of the name of the selected impartial reviewing officer, the Begal Department shall immediately notify the reviewing officer selected. The State Board shall place the names of the reviewing officers not selected on the bottom of the registry list.

(Source: Repealed at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 226.682 Filing of Administrative Record (Repealed)

a) Within ten (10) calendar days of receipt of the notice of appeal, the district shall transmit to the State Board of Education, attention Begal Department, 100 North First Street (W-475), Springfield, Illinois 62777-0001, a complete administrative record of the level II hearing, which shall include:

1) a transcript of the hearing with an index of witnesses testimony;

2) records and reports presented at the hearing with index; and

3) other exhibits and materials presented at the hearing with index.

b) The district shall simultaneously also send a copy of the administrative record to the parents and shall retain a copy. The administrative record sent to the State Board of Education and the parents shall be sent by certified mail or other means which is reasonably calculated to assure delivery and provides a record of when and where the record was delivered. Upon receipt of the administrative record, the State Board of Education shall immediately send it by certified mail or other means which is reasonably calculated to assure delivery and provides a record of when and where the record was delivered, together with the appeal request, to the reviewing officer who was selected by the parties.

c) Failure by the district to send the administrative record to the State Board of Education within ten (10) calendar days after the date the district files an appeal request or receives a copy of the other

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

party's appeal request shall constitute an undue delay of the appeal. In such event, the parents may request by written certified mail to the reviewing officer with a copy sent to the district and to the State Board of Education, within fifteen (15) calendar days after the date the parent files an appeal request or receives a copy of the district's appeal request, that the reviewing officer find the district to be in default and enter a ruling granting the parents the relief requested. The district shall have three (3) days from receipt of the request to respond in writing to the request for a default ruling. The reviewing officer shall review the request and the response. The reviewing officer may grant such request in whole or in part and order the matter upon finding the district in default for failing to file the record in a timely manner.

(Source: Repealed at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 226.683 Actions During Pendency

During the pendency of any administrative or judicial proceeding, the student's educational placement, eligibility for special education and related services, and receipt of such services shall be as required by Section 14-8.02a(j) of the School Code.

(Source: Added at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 226.684 Placement of the Child Pending Completion of a Level II Review (Repealed)

Unless the parents and the district agree otherwise, the child's placement shall not be changed following a request for a level II review until such time as a binding decision is issued and all appeals are exhausted.

(Source: Repealed at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 226.688 Oral Arguments and Extensions of Time (Repealed)

Either party to the level II review may, as a matter of right, request that the impartial reviewing officer convene a hearing at which the parties may present additional evidence and oral argument. The appealing party shall request the hearing when filing the appeal request. The opposing party may request the hearing when notified that an appeal has been requested. The opposing party shall submit such request in writing prior to the selection of the level II reviewing officer. The opposing party shall submit the request by certified mail to the State Board of Education, attention Begal Department, 100 North First Street, Springfield, Illinois 62777, and shall at the same time send a

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

copy of the request to the initially appealing party. The State Board of Education shall transmit the request for the hearing to the reviewing officer as part of the administrative record when transmitting the record to the reviewing officer as provided in Section 226-682(b).

a) The reviewing officer shall schedule the hearing at a time and place reasonably convenient to the parties. The hearing shall be recorded and a record of the hearing shall become a part of the administrative record of the appeal. The State Board of Education shall bear the cost of producing a record of the proceeding.

b) Any parties have the right to be represented at their own expense by counsel, or to be represented and assisted by other persons having special knowledge of this part or training as advocates. The district shall inform the parents of any free or low cost legal services which may be available in their area and of the availability of publicly funded advocacy services. The parties may be represented as indicated herein throughout the level II review.

c) The reviewing officer may limit the testimony and arguments presented at the hearing to matters at issue in the appeal, may refuse to hear any testimony or argument found to be irrelevant or repetitious, and may prohibit the introduction of any evidence at the hearing that has not been disclosed to the opposing party at least five (5) calendar days before the hearing.

d) At the request of either party, the reviewing officer shall issue subpoenas for the attendance of witnesses upon a showing by the party requesting issuance that the evidence or testimony sought by the subpoena is reasonably necessary to a fair resolution of an issue or issues in dispute and upon a showing that the evidence or testimony sought may not be otherwise available and could not have been obtained at an earlier stage of the proceedings.

e) A reviewing officer may grant a specific extension of time in convening the hearing if such specific extension is requested in writing by a party to the hearing with notice sent to the opposing party. The reviewing officer shall require that a party requesting an extension predicate the request upon circumstances that have arisen which are beyond the party's control and are circumstances linked to one or more issues in the appeal. Upon finding that the party requesting the extension has made such a showing, the reviewing officer shall grant such extension of time in writing with notice sent to the parties and the State Board of Education by certified mail. Such notice shall become part of the administrative record. If the granting of any extension would be prejudicial to the interests of the other party, the reviewing officer shall fix the responsibilities of the parties during the period governed by the extension. Unless the request for a specific extension of time made by a party necessitates a delay in issuing the order, all appeals shall be decided within 30 days after receipt of the appeal as provided in Section 226-690(a).

(Source: Repealed at 21 Ill. Reg. \_\_\_\_\_, effective

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

### Section 226.690 Timeliness and Finality of Reviewing Officer's Decision (Repealed)

a) Unless an extension of time has been granted as provided in Section 226-688 of this part, the reviewing officer shall issue an independent decision as required by 34 C.P.R. 300.510(b) no later than thirty (30) calendar days after the State Board of Education receives the appeal request. The decision shall include findings as to the compliance with due process procedural requirements of the level I hearing and an index of the record of the level II proceeding.

b) The decision of the reviewing officer shall be a final order binding upon the parties unless a party aggrieved by the ruling appeals as provided in Section 226-692(b) of this part. The reviewing officer's decision shall give specific directions to the parties so that implementation of the decision is achieved without undue delay.

c) The decision shall be sent by certified mail to the parties and a copy of the decision shall also be made a part of the administrative record. The reviewing officer shall, by certified mail, send the completed administrative record, including all of the exhibits and attachments, to the State Board of Education, Attention: Legal Department, 100 North First Street, Springfield, Illinois 62777 immediately upon completion of the review.

(Source: Repealed at 21 Ill. Reg. \_\_\_\_\_, effective

### Section 226.692 Monitoring and Enforcement of Decisions; Right of Civil Action; Notice of Funding Ineligibility

a) Upon receipt of the hearing reviewing officer's decision and the administrative record, the State Board of Education shall review the decision and monitor compliance by the parties with the terms of the decision. If the district fails to comply with the decision in the time specified by the hearing reviewing officer, the State Board of Education shall notify the parties in writing by certified mail that it finds the district to be in noncompliance with the decision, and that the noncompliance may result in loss of recognition status of the district's programs by the state, withholding of state or federal funds which the district would otherwise be eligible to receive, or in other enforcement action unless the district remedies the noncompliance within the time period specified in the notice of noncompliance.

b) A party aggrieved by the reviewing officer's decision may bring a civil action in any court of competent jurisdiction. Such filing of a civil action shall act as a supersedeas and implementation of the reviewing officer's decision shall be stayed pending judicial action.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective



## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

## Section 226.695 Reporting of Decisions

The State Board of Education shall, after deleting all personally identifiable information and indexing by subject matter, make the decisions of impartial due process hearing ~~the reviewing~~ officers available to the Illinois State Advisory Council on Education of Children with Disabilities and the Screening Committee established pursuant to Section 14-8.02a(b) of the School Code. This information shall also be available to other interested parties upon request.

(Source: Amended at 21	Ill.	Reg.	effective

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Real Estate Appraiser Certification

2) Code Citation: 68 Ill. Adm. Code 1455

	<u>Section Numbers:</u>	<u>Proposed Action:</u>
3)	1455.15	Amendment

4) Statutory Authority: Implementing and authorized by Article 2 of the Real Estate License Act of 1983 [225 ILCS 455/Art.2]

5) A Complete Description of the Subjects and Issues Involved: The proposed rulemaking updates an existing incorporation by reference of the 1996 Uniform Standards of Professional Appraisal Practice (USPAP) to refer to the current 1997 edition of USPAP.

6) Will this rulemaking replace any emergency rulemaking currently in effect?

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? Yes; an existing incorporation by reference is being updated.

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rule will not affect local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested parties should submit written comments or views concerning the proposed rulemaking to the attention of

John Arthur, Legislative Liaison  
Office of Banks and Real Estate  
500 East Monroe, Suite 900  
Springfield, IL 62701  
Telephone: (217) 782-6167

The Agency will consider all written comments it receives in writing within 45 days after the date of publication of this Illinois Register.

## 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Appraiser licensees under Article 2 of the real Estate License Act of 1983.

B) Reporting, bookkeeping or other procedures required for

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF PROPOSED AMENDMENT

compliance: None.

C) Types of professional skills necessary for compliance: None.

13) Regulatory Agenda on which this rulemaking was summarized: January 1997

The full text of the Proposed Amendment begins on the next page:

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF PROPOSED AMENDMENT

TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VIII: OFFICE OF BANKS AND REAL ESTATE

## PART 1455

## REAL ESTATE APPRAISER CERTIFICATION

## SUBPART A: RESIDENTIAL AND GENERAL CERTIFICATION

Section	
1455.10	Definitions
1455.15	Uniform Standards of Professional Appraisal Practice
1455.16	Jurisdictional Exceptions/Supplemental Standards
1455.20	Education and Experience Requirements for State Licensed Real Estate Appraiser
1455.30	Education and Experience Requirements for Certified Residential and Certified General Real Estate Appraiser
1455.40	Application as a State Licensed Real Estate Appraiser, Certified Residential Real Estate Appraiser or Certified General Real Estate Appraiser
1455.50	Examination
1455.60	Nonresident Licensure/Certification
1455.70	Nonresident/Temporary Practice

## SUBPART B: EDUCATION PROVIDERS

Section	
1455.200	Approval of Education Providers/Courses
1455.205	Appraiser Continuing Education (CE)
1455.210	Fees - Education Providers/Courses (Repealed)

## SUBPART C: GENERAL

Section	
1455.300	Renewals
1455.305	Fees
1455.310	Granting Variances

AUTHORITY: Implementing Article 2 of the Real Estate License Act of 1983 [225 ILCS 455/art. 2] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Emergency rules adopted at 16 Ill. Reg. 16196, effective September 30, 1992, for a maximum of 150 days; rules adopted at 17 Ill. Reg. 1589, effective January 26, 1993; emergency amendment at 17 Ill. Reg. 6668, effective April 19, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13494, effective July 30, 1993; amended at 18 Ill. Reg. 2379, effective January 28, 1994; emergency amendment at 18 Ill. Reg. 3006, effective February 10, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 8428, effective May 24,



## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF PROPOSED AMENDMENT

1994; amended at 19 Ill. Reg. 9176, effective June 26, 1995; emergency amendment at 19 Ill. Reg. 12503, effective August 16, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16604, effective December 1, 1995; amended at 20 Ill. Reg. 6488, effective April 30, 1996; recodified from Chapter VII, Department of Professional Regulation, to Chapter VIII, Office of Banks and Real Estate, pursuant to PA 89-23 and PA 89-508, at 20 Ill. Reg. 11984; amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: RESIDENTIAL AND GENERAL CERTIFICATION

## Section 1455.15 Uniform Standards of Professional Appraisal Practice

- a) The 1997 1996 Uniform Standards of Professional Appraisal Practice (USPAP), effective ~~adopted~~ January 1, 1997 1996, by the Appraisal Standards Board of the Appraisal Foundation, 1029 Vermont Avenue, N.W., Suite 900, Washington, D.C. 20005-3517, are hereby incorporated by reference with no later amendments or editions.
- b) Real Estate Appraisers licensed/certified under the Act shall practice in accordance with USPAP standards except where the standard(s) is contrary to Illinois Law or public policy (USPAP, Jurisdictional Exception). Supplemental standards applicable to appraisals for specific purposes or property types may be issued by public agencies and certain client groups (e.g., regulatory agencies, eminent domain authorities, asset managers and financial institutions), provided that such supplemental standard(s) does not diminish the purpose, intent or content of the requirements of the USPAP.
- c) A copy of USPAP is available for inspection in the Division of Real Estate Appraisal Administration, Office of Banks and Real Estate, located at 500 East Monroe, Suite 500, Springfield, Illinois 62701 and may be purchased at cost from the Office (OBRE), if available; and is available for purchase from the Appraisal Standards Board of the Appraisal Foundation.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Aid to Families with Dependent Children
- 2) Code Citation: 89 Ill. Adm. Code 112
- 3) Section Numbers: Proposed Action:  
112.352 Amendment  
112.354 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) Complete Description of the Subjects and Issues Involved: Current policy prohibits child care payments being provided to responsible relatives (parents) or to persons in the same assistance unit. If, for example, an aunt receives AFDC for herself and her two nieces, the aunt would not be eligible to receive payments for providing child care to the two nieces.

The Department has determined that step-parents should also not be eligible for payment for providing child care to their step-children. There are provisions in the AFDC regulations regarding step-parent liability. These provisions make step-parents financially responsible for their step-children. The Department feels that step-parent responsibility should extend to the provision of child care to their step-children.

This rulemaking establishes that step-parents will not be eligible for payments for providing child care to their step-children. This child care payment restriction would not apply if the step-parent is divorced from the parent of the child or children. This distinction is made because AFDC policy allows the divorced step-parent to serve as a caretaker relative and receive AFDC for the step-children.

As a result of these proposed amendments, relatives will be eligible for payment for providing child care with the exception of:

1. the child's mother or legal father;
2. the child's step-father or step-mother from a present marriage; or
3. a person in the same assistance grant as the child.

Retroactive Child Care Payments

Currently, upon receipt of a signed child care application, the Department makes child care payments for any period requested by the client. There is no limit on the period of time that can be covered. The Department has determined that eligibility for direct pay child care should be based on the date the client reports, to the Department, that he or she is working and the date he or she signs the child care application. As a result, child care payments would not be provided for a period of time during which the Department did not know that the client was employed.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

These proposed amendments establish that eligibility for backdated child care payments will be limited to the first calendar day of the month prior to the month a request for child care benefits is made. This rulemaking does not change the provisions regarding retroactive transitional child care payments. In accordance with federal regulations regarding transitional child care payments (see 89 Ill. Adm. Code 112.404), twelve months of transitional child care payments are still available to the client, regardless of the date of request.

Companion amendments are also being proposed in 89 Ill. Adm. Code 114.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
112.10	Amendment	January 10, 1997 (21 Ill. Reg. 549)
112.66	New Section	August 16, 1996 (20 Ill. Reg. 10766)
112.71	Amendment	August 30, 1996 (20 Ill. Reg. 11560)
112.75	New Section	September 13, 1996 (20 Ill. Reg. 12326)
112.98	Amendment	April 26, 1996 (20 Ill. Reg. 5965)
112.414	Amendment	October 11, 1996 (20 Ill. Reg. 13138)

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to

Judy Umunna  
Bureau of Rules and Regulations  
Illinois Department of Public Aid  
100 South Grand Ave. E., 3rd Floor  
Springfield, IL 62762  
(217) 524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

100/5-40).

These proposed amendments may have an impact on small businesses, small municipalities, and not for profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not for profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Day Care Providers

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory agenda on which this rulemaking was summarized: July 1996

The full text of the Proposed Amendments begins on the next page:



DEPARTMENT OF PUBLIC AID  
NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 112  
AID TO FAMILIES WITH DEPENDENT CHILDREN

SUBPART A: GENERAL PROVISIONS

Section  
112.1 Description of the Assistance Program  
112.5 Incorporation by Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section  
112.8 Caretaker Relative  
112.9 Client Cooperation  
112.10 Citizenship  
112.20 Residence  
112.30 Age  
112.40 Relationship  
112.50 Living Arrangement  
112.52 Social Security Numbers  
112.54 Assignment of Medical Support Rights  
112.60 Lack of Parental Support or Care  
112.61 Death of a Parent  
112.62 Incapacity of a Parent  
112.63 Continued Absence of a Parent  
112.64 Unemployment of the Parent  
112.65 Employment Plan  
112.67 Restriction in Payment to Households Headed by a Minor Parent

SUBPART C: JOB OPPORTUNITIES AND BASIC SKILLS TRAINING (JOBS) PROGRAM

Section  
112.70 Participation Requirements for JOBS  
112.71 Individuals Exempt from JOBS  
112.72 JOBS Participation/Cooperation Requirements  
112.73 Adolescent Parent Program  
112.74 JOBS Initial Assessment Process/Development of an Employability Plan  
112.76 JOBS Orientation  
112.77 Conciliation and Fair Hearings  
112.78 JOBS Components  
112.79 JOBS Sanctions  
112.80 Good Cause for Failure to Comply with JOBS Participation Requirements  
112.81 Responsible Relative Eligibility for JOBS  
112.82 JOBS Supportive Services

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

112.83 Young Parents Program  
112.84 Work Experience Evaluation Project  
112.85 Four Year College/Vocational Training Demonstration Project

SUBPART E: PROJECT ADVANCE

Section  
112.86 Project Advance  
112.87 Project Advance Experimental and Control Groups  
112.88 Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers  
112.89 Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers  
112.90 Project Advance Sanctions  
112.91 Good Cause for Failure to Comply with Project Advance  
112.93 Individuals Exempt From Project Advance  
112.95 Project Advance Supportive Services

SUBPART F: EXCHANGE PROGRAM

Section  
112.98 Exchange Program

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section  
112.100 Unearned Income  
112.101 Unearned Income of Stepparent or Parent  
112.105 Budgeting Unearned Income  
112.106 Budgeting Unearned Income of Applicants Employed On Date of Application And/Or Date Of Decision  
112.107 Initial Receipt of Unearned Income  
112.108 Termination of Unearned Income  
112.110 Exempt Unearned Income  
112.115 Education Benefits  
112.120 Incentive Allowances  
112.125 Unearned Income In-Kind  
112.126 Earmarked Income  
112.127 Lump Sum Payments  
112.128 Protected Income  
112.130 Earned Income  
112.131 Earned Income Tax Credit  
112.132 Budgeting Earned Income  
112.133 Budgeting Earned Income of Applicants Employed On Date of Application And/Or Date Of Decision  
112.134 Initial Employment  
112.135 Budgeting Earned Income For Contractual Employees  
112.136 Budgeting Earned Income For Non-Contractual School Employees

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

112.137 Termination of Employment  
 112.138 Transitional Payments (Repealed)  
 112.140 Exempt Earned Income  
 112.141 Earned Income Exemption  
 112.142 Exclusion From Earned Income Exemption  
 112.143 Recognized Employment Expenses  
 112.144 Income From Work/Study/Training Program  
 112.145 Earned Income From Self-Employment  
 112.146 Earned Income From Roomer and Boarder  
 112.147 Income From Rental Property  
 112.148 Payments from the Illinois Department of Children and Family Services  
 112.149 Earned Income In-Kind  
 112.150 Assets  
 112.151 Exempt Assets  
 112.152 Asset Disregards  
 112.153 Deferral of Consideration of Assets  
 112.154 Property Transfers (Repealed)  
 112.155 AFDC Income Limit

## SUBPART H: PAYMENT AMOUNTS

Section  
 112.250 Grant Levels  
 112.251 Payment Levels in AFDC  
 112.252 Payment Levels in AFDC Group I Counties  
 112.253 Payment Levels in AFDC Group II Counties  
 112.254 Payment Levels in AFDC Group III Counties

## SUBPART I: OTHER PROVISIONS

Section  
 112.300 Persons Who May Be Included in the Assistance Unit  
 112.301 Presumptive Eligibility  
 112.302 Monthly Reporting  
 112.303 Retrospective Budgeting  
 112.304 Budgeting Schedule  
 112.305 Strikers  
 112.306 Foster Care Program  
 112.307 Responsibility of Sponsors of Aliens  
 112.308 Special Needs Authorizations  
 112.309 Institutional Status  
 112.315 Young Parent Program (Renumbered)  
 112.320 Redetermination of Eligibility  
 112.330 Extension of Medical Assistance Due to Increased Income from Employment  
 112.331 Four Month Extension of Medical Assistance Due to Child Support Collections  
 112.332 Extension of Medical Assistance Due to Loss of Earned Income

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

112.340 Disregard (Repealed)  
 New Start Payments to Individuals Released from Department of Corrections Facilities

Section  
 112.350 Child Care  
 112.352 Child Care Eligibility  
 112.354 Qualified Provider  
 112.356 Notification of Available Services  
 112.358 Participant Rights and Responsibilities  
 112.362 Additional Service to Secure or Maintain Child Care Arrangements  
 112.364 Rates of Payment for Child Care  
 112.366 Method of Providing Child Care  
 112.370 Non-JOBS Education and Training Program

## SUBPART J: CHILD CARE

## SUBPART K: TRANSITIONAL CHILD CARE

Section  
 112.400 Transitional Child Care Eligibility  
 112.404 Duration of Eligibility for Transitional Child Care  
 112.406 Loss of Eligibility for Transitional Child Care  
 112.408 Qualified Child Care Providers  
 112.410 Notification of Available Services  
 112.412 Participant Rights and Responsibilities  
 112.414 Child Care Overpayments and Recoveries  
 112.416 Fees for Service for Transitional Child Care  
 112.418 Rates of Payment for Transitional Child Care

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

Sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987; for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. 8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18 Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill. Reg. 998, effective October 17, 1994; amended at 19 Ill. Reg. 2845, effective February 24, 1995; amended at 19 Ill. Reg. 5609, effective March 31, 1995; amended at 19 Ill. Reg. 7883, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 10206, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12011, effective August 7, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 12664, effective September 1, 1995; emergency amendment at 19 Ill. Reg. 15244, effective November 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15661, effective November 3, 1995; emergency amendment at 19 Ill. Reg. 15839, effective November 15, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 16295, effective December 1,

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

1995, for a maximum of 150 days; amended at 20 Ill. Reg. 845, effective January 1, 1996; amended at 20 Ill. Reg. 3538, effective February 15, 1996; amended at 20 Ill. Reg. 5648, effective March 30, 1996; amended at 20 Ill. Reg. 6018, effective April 12, 1996; amended at 20 Ill. Reg. 6498, effective April 29, 1996; amended at 20 Ill. Reg. 7892, effective June 1, 1996; emergency amendment at 20 Ill. Reg. 12499, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14820, effective November 1, 1996; amended at 20 Ill. Reg. 15983, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 662, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART J: CHILD CARE

## Section 112.352 Child Care Eligibility

- a) Child care will be provided for a dependent child of a person receiving AFDC to allow such individual to participate in education or training and for employment.
- b) Eligibility is also extended to children who meet the criteria in subsection (a) of this Section who would be dependent except for benefits under Supplemental Security Income under Title XVI of the Social Security Act (42 U.S.C. 1381 et seq.) or foster care under Title IV-E of the Social Security Act (42 U.S.C. 670 et seq.) if the conditions of subsection (a) of this Section are met, and the caretaker relative is also a member of a household receiving AFDC.
- c) Eligibility for backdated child care benefits, except for transitional child care benefits (see Section 112.404), is limited to the first calendar day of the month prior to the month a request for child care is made.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## Section 112.354 Qualified Provider

Payment will be made for child care that otherwise meets the requirements of this Section and meets applicable standards of State and local law and regulation, including but not limited to licensure requirements promulgated by the Department of Children and Family Services (DCFS) at 89 Ill. Adm. Code: Chapter 1, Subchapter 4 et, and Fire Prevention and Safety requirements promulgated by the Office of the State Fire Marshal at 41 Ill. Adm. Code 100, and is provided in any of the following:

- a) Child Care Center
  - 1) A child care center licensed by the Department of Children and Family Services which regularly provides day care for less than 24 hours per day:
    - A) for more than eight children in a family home, or
    - B) for more than three children in a facility other than a





## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

and the date he or she signs the child care application. As a result, child care payments would not be provided for a period of time during which the Department did not know that the client was employed.

These proposed amendments establish that eligibility for backdated child care payments will be limited to the first calendar day of the month prior to the month a request for child care benefits is made. This rulemaking does not change the provisions regarding retroactive transitional child care payments. In accordance with federal regulations regarding transitional child care payments (see 89 Ill. Adm. Code 112.404), twelve months of transitional child care payments are still available to the client, regardless of the date of request.

Companion amendments are also being proposed in 89 Ill. Adm. Code 112.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

Sections Proposed Action Illinois Register Citation

114.10 Amendment January 10, 1997 (21 Ill. Reg. 555)

- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

- 11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Judy Umunna  
Bureau of Rules and Regulations  
Illinois Department of Public Aid  
100 South Grand Ave. E., 3rd Floor  
Springfield, Illinois 62762  
(Phone: (217) 524-0081).

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

These proposed amendments may have an impact on small businesses, small municipalities, and not for profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80 and 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not for profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Day Care Providers
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

- 13) Regulatory agenda on which this rulemaking was summarized: July 1996

The full text of the Proposed Amendments begins on the next page:



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 114  
GENERAL ASSISTANCE

## SUBPART A: GENERAL PROVISIONS

Section	
114.1	Description of the Assistance Program
114.2	Determination of Not Employable
114.3	Advocacy Program for Persons Receiving State Transitional Assistance
114.5	Incorporation By Reference

## SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	
114.9	Client Cooperation
114.10	Citizenship
114.20	Residence
114.30	Age
114.40	Relationship
114.50	Living Arrangement
114.52	Social Security Numbers
114.60	Work Registration Requirements (Outside City of Chicago only)
114.61	Individuals Exempt From Work Registration Requirements (Outside City of Chicago only)
114.62	Job Service Registration (Outside City of Chicago only)
114.63	Failure to Maintain Current Job Service Registration (Outside City of Chicago only)
114.64	Responsibility to Seek Employment (Outside City of Chicago only)
114.70	Initial Employment Expenses (Outside City of Chicago only)
114.80	Downstate General Assistance Work and Training Programs
114.85	Downstate General Assistance - Food Stamps Employment and Training Pilot Project
114.90	Project Chance Participation/Cooperation Requirements (Renumbered)
114.100	General Assistance Jobs Program (Repealed)
SUBPART C: PROJECT ADVANCE	
Section	
114.108	Project Advance
114.109	Project Advance Participation Requirements of Adjudicated Fathers
Section	
114.110	Project Advance Cooperation Requirements of Adjudicated Fathers

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

114.111 Project Advance Sanctions  
114.113 Project Advance Good Cause for Failure to Comply  
114.115 Individuals Exempt From Project Advance  
114.117 Project Advance Supportive Services

## SUBPART D: EMPLOYMENT AND TRAINING REQUIREMENTS

Section	
114.120	Employment and Training Requirements
114.121	Persons Required to Participate in Project Chance (Repealed)
114.122	Advocacy Program for Persons Who Have Applied for Supplemental Security Income (SSI) Under Title XVI of the Social Security Act (Repealed)
114.123	Persons in Need of Work Rehabilitative Services (WRS) to Become Employable (Repealed)
114.124	Employment and Training Participation/Cooperation Requirements (Repealed)
114.125	Employment and Training Program Orientation (Repealed)
114.126	Employment and Training Program Full Assessment Process/Development of an Employment Plan (Repealed)
114.127	Employment and Training Program Components (Repealed)
114.128	Employment and Training Sanctions (Repealed)
114.129	Good Cause For Failure to Cooperate With Work and Training Participation Requirements (Repealed)
114.130	Employment and Training Supportive Services (Repealed)
114.135	Conciliation and Fair Hearings (Repealed)
114.140	Employment Child Care (Repealed)

## SUBPART E: FINANCIAL FACTORS OF ELIGIBILITY

Section	
114.200	Unearned Income
114.201	Budgeting Unearned Income
114.202	Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
114.203	Initial Receipt of Unearned Income
114.204	Termination of Unearned Income
114.210	Exempt Unearned Income
114.220	Education Benefits
114.221	Unearned Income In-Kind
114.222	Earmarked Income
114.223	Lump Sum Payments
114.224	Protected Income
114.225	Earned Income
114.226	Budgeting Earned Income
114.227	Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
114.228	Initial Employment

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

114.229 Termination of Employment  
 114.230 Exempt Earned Income  
 114.235 Recognized Employment Expenses  
 114.240 Income From Work/Study/Training Program (Repealed)  
 114.241 Earned Income From Self-Employment  
 114.242 Earned Income From Roomer and Boarder  
 114.243 Earned Income From Rental Property  
 114.244 Earned Income In-Kind  
 114.245 Payments from the Illinois Department of Children and Family Services  
 114.246 Budgeting Earned Income For Contractual Employees  
 114.247 Budgeting Earned Income For Non-contractual School Employees  
 114.250 Assets  
 114.251 Exempt Assets  
 114.252 Asset Disregards  
 114.260 Deferral of Consideration of Assets (Repealed)  
 114.270 Property Transfers (Repealed)  
 114.280 Supplemental Payments

## SUBPART F: PAYMENT AMOUNTS

## Section

114.350 Payment Levels for General Assistance  
 114.351 Payment Levels in Group I Counties  
 114.352 Payment Levels in Group II Counties  
 114.353 Payment Levels in Group III Counties

## SUBPART G: OTHER PROVISIONS

## Section

114.401 Persons Who May Be Included In the Assistance Unit  
 114.401 Eligibility of Strikers  
 114.402 Special Needs Authorizations  
 114.403 Institutional Status  
 114.404 Retrospective Budgeting  
 114.405 Budgeting Schedule  
 114.406 Limitation on Amount of General Assistance to Recipients from Other States  
 114.420 Redetermination of Eligibility  
 114.430 Extension of Medical Assistance Due to Increased Income from Employment  
 114.440 Attorney's Fees for VA Appellants  
 114.442 Attorney's Fees for SSI Applicants

## SUBPART H: CHILD CARE

## Section

114.450 Child Care  
 114.452 Child Care Eligibility

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

114.454 Qualified Provider  
 114.456 Notification of Available Services  
 114.458 Participant Rights and Responsibilities  
 114.462 Additional Service to Secure or Maintain Child Care Arrangements  
 114.464 Rates of Payment for Child Care  
 114.466 Method of Providing Child Care

## SUBPART I: TRANSITIONAL CHILD CARE

## Section

114.500 Transitional Child Care Eligibility  
 114.504 Duration of Eligibility for Transitional Child Care  
 114.506 Loss of Eligibility for Transitional Child Care  
 114.508 Qualified Provider  
 114.510 Notification of Available Services  
 114.512 Participant Rights and Responsibilities  
 114.514 Child Care Overpayments and Recoveries  
 114.516 Fees for Service for Transitional Child Care  
 114.518 Rates of Payment for Transitional Child Care

**AUTHORITY:** Implementing Article VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. VI and 12-13].

**SOURCE:** Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 7, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9909, effective August 5, 1983; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 16107; amended at 7 Ill. Reg. 16408, effective November 30, 1983; amended at 7 Ill. Reg. 16652, effective December 1, 1983; amended at 8 Ill. Reg. 243, effective December 27, 1983; amended at 8 Ill. Reg. 5233, effective April 9, 1984; amended at 8 Ill. Reg. 6764, effective April 27, 1984; amended at 8 Ill. Reg. 11435, effective June 27, 1984; amended at 8 Ill. Reg. 13319, effective July 16, 1984; amended at 8 Ill. Reg. 16237, effective August 24, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17896; amended at 9 Ill. Reg. 314, effective January 1, 1985; emergency amendment at 9 Ill. Reg. 823, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9557, effective June 5, 1985; amended at 9 Ill. Reg. 10764, effective July 5, 1985; amended at 9 Ill. Reg. 15800, effective October 16, 1985; amended at 10 Ill. Reg. 1924, effective January 17, 1986; amended at 10 Ill. Reg. 3660, effective January 30, 1986; emergency amendment at 10 Ill. Reg. 4646, effective February 3, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 4896, effective March 7, 1986; amended at 10 Ill. Reg. 10683, effective June 3, 1986; amended at 10 Ill. Reg. 11041, effective June 5, 1986; amended at 10 Ill. Reg. 12662, effective July 14, 1986; amended at 10 Ill. Reg. 15118, effective September 5, 1986; amended at 10 Ill. Reg. 15640,

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

effective September 19, 1986; amended at 10 Ill. Reg. 19079, effective October 24, 1986; amended at 11 Ill. Reg. 2307, effective January 16, 1987; amended at 11 Ill. Reg. 5297, effective March 11, 1987; amended at 11 Ill. Reg. 6238, effective March 20, 1987; emergency amendment at 11 Ill. Reg. 12449, effective July 10, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 12948, effective August 1, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 18311, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 18689, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18791, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20129, effective December 4, 1987; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 889, effective January 1, 1988; SUBPARTS C, D and E recodified to SUBPARTS E, F and G at 12 Ill. Reg. 2147; Section 114.110 recodified to Section 114.52 at 12 Ill. Reg. 2984; amended at 12 Ill. Reg. 3505, effective January 22, 1988; amended at 12 Ill. Reg. 6170, effective March 18, 1988; amended at 12 Ill. Reg. 6719, effective March 22, 1988; amended at 12 Ill. Reg. 9108, effective May 20, 1988; amended at 12 Ill. Reg. 9699, effective May 24, 1988; amended at 12 Ill. Reg. 9940, effective May 31, 1988; amended at 12 Ill. Reg. 11474, effective June 30, 1988; amended at 12 Ill. Reg. 14255, effective August 30, 1988; emergency amendment at 12 Ill. Reg. 14364, effective September 1, 1988, for a maximum of 150 days; amendment at 12 Ill. Reg. 16729, effective September 30, 1988; amended at 12 Ill. Reg. 20171, effective November 28, 1988; amended at 13 Ill. Reg. 89, effective January 1, 1989; amended at 13 Ill. Reg. 1546, effective January 20, 1989; amended at 13 Ill. Reg. 3900, effective March 10, 1989; amended at 13 Ill. Reg. 8580, effective May 20, 1989; emergency amendment at 13 Ill. Reg. 16169, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 16015, effective October 6, 1989; amended at 14 Ill. Reg. 746, effective January 1, 1990; amended at 14 Ill. Reg. 3640, effective February 23, 1990; amended at 14 Ill. Reg. 6360, effective April 16, 1990; amended at 14 Ill. Reg. 10929, effective June 20, 1990; amended at 14 Ill. Reg. 13215, effective August 6, 1990; amended at 14 Ill. Reg. 13777, effective August 10, 1990; amended at 14 Ill. Reg. 14162, effective August 17, 1990; amended at 14 Ill. Reg. 17111, effective September 30, 1990; amended at 15 Ill. Reg. 288, effective January 1, 1991; amended at 15 Ill. Reg. 5710, effective April 10, 1991; amended at 15 Ill. Reg. 11164, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 15144, effective October 7, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3512, effective February 20, 1992; emergency amendment at 16 Ill. Reg. 4540, effective March 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 11662, effective July 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 13297, effective August 15, 1992; emergency amendment at 16 Ill. Reg. 13651, effective September 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14769, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 16276, effective October 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17772, effective November 13, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 18815, effective November 24, 1992; amended at 17 Ill. Reg. 1091, effective January 15, 1993; amended at 17 Ill. Reg. 2277, effective February 15, 1993; amended at



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

17 Ill. Reg. 3255, effective March 1, 1993; amended at 17 Ill. Reg. 3639, effective February 26, 1993; amended at 17 Ill. Reg. 3255, effective March 1, 1993; amended at 17 Ill. Reg. 6814, effective April 21, 1993; emergency amendment at 17 Ill. Reg. 19728, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3436, effective February 28, 1994; amended at 18 Ill. Reg. 7390, effective April 29, 1994; amended at 18 Ill. Reg. 12839, effective August 5, 1994; emergency amendment at 19 Ill. Reg. 8434, effective June 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15058, effective October 17, 1995; emergency amendment at 20 Ill. Reg. 4445, effective February 28, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 9970, effective July 10, 1996; emergency amendment at 21 Ill. Reg. 682, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART H: CHILD CARE

## Section 114.452 Child Care Eligibility

- a) Child care will be provided for a dependent child, as described in Section 114.235(c)(1), of a person receiving General Assistance to allow such individual to participate in education or training and for employment.
- b) Eligibility is also extended to children who meet the criteria in subsection (a) of this Section who would be dependent except for benefits under Supplemental Security Income under Title XVI of the Social Security Act (42 U.S.C. 1381 et seq.) or foster care under Title IV-E of the Social Security Act (42 U.S.C. 670 et. seq.) and the caretaker relative is also a member of a household receiving General Assistance.
- c) Eligibility for backdated child care benefits, except for transitional child care benefits (see Section 114.504), is limited to the first calendar day of the month prior to the month a request for child care is made.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## Section 114.454 Qualified Provider

Payment will be made for child care that otherwise meets the requirements of this Subpart and meets applicable standards of State and local law and regulation, including but not limited to licensure requirements promulgated by the Department of Children and Family Services (DCFS) at 89 Ill. Adm. Code: Chapter I, Subchapter e, and Fire Prevention and Safety Requirements promulgated by the Office of the State Fire Marshal at 41 Ill. Adm. Code 100, and is provided in any of the following:

- a) Day Care Center
- 1) A day care center licensed by DCFS which regularly provides child

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

care for less than 24 hours per day:

- A) for more than eight children in a family home, or
- B) for more than three children in a facility other than a family home.
- 2) A day care center exempt from licensure pursuant to Section 2.09 of the Child Care Act of 1969 (~~111--Rev--Stat--1991--ch--237--par--2212-09~~) [225 ILCS 10/2.09].
- b) Licensed Day Care Home or License-Exempt Home
- 1) A licensed day care home is any family home which provides child care for less than 24 hours per day, and for more than three children up to a maximum of 12 children. The maximum of 12 children includes the family's natural or adopted children and all persons under the age of 12. A licensed day care home does not include a home which provides child care to only children from the same household. (Section 2.18 of the Child Care Act of 1969 (~~111--Rev--Stat--1991--ch--237--par--2212-10~~) [225 ILCS 1020/2.18]).
- 2) A home exempt from licensing is a home in which no more than three unrelated children under the age of 12 years, including the children of the provider, are cared for at one time. This home is not subject to licensing by DCFS.
- c) Licensed Group Day Care Home
- A licensed group day care home is a home where no more than 16 unrelated children, including the children of the provider, ~~providers, under the age of 12 are cared for.~~ (Section 2.20 of the Child Care Act of 1969 (~~111--Rev--Stat--1991--ch--237--par--2212-20~~) [225 ILCS 10/Art. 2.20]).
- d) Relatives and Babysitters
- 1) Care provided by a relative in his or her home or in the child's home. Relatives are eligible for payment with the exception of: ~~Relatives--living--in--the--same--home--as--the--child--are--eligible--for--payment--with--the--exception--of--the--child's--mother--or--father--or--a--person--in--the--same--assistance--grant--as--the--child.~~
- A) the child's mother or legal father;
- B) the child's step-father or step-mother from a current marriage; or
- C) a person in the same assistance grant as the child.
- 2) Care provided by a non-relative in the child's home provided the non-relative is not in the same assistance grant as the child.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED REPEALER

1) Heading of the Part: Access to Information of the Illinois Racing Board

2) Code Citation: 2 Ill. Adm. Code 2251

3) Section Numbers: Proposed Action:

2251.10	Repeal
2251.20	Repeal
2251.30	Repeal
2251.40	Repeal
2251.50	Repeal
2251.55	Repeal
2251.60	Repeal
2251.65	Repeal
2251.70	Repeal
2251.75	Repeal
2251.78	Repeal
2251.Appendix A	Repeal
2251.Appendix B	Repeal

4) Statutory Authority: 230 ILCS 5/9(b)

5) A Complete Description of the Subjects and Issues Involved: This rulemaking is part of a large project to reorganize the IRB rules. The Sections being repealed in this proposal can be found (slightly modified) in the proposed Part 200.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporation by reference? No

9) Are there any other proposed amendments pending in this Part? No

10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days of this notice, to:

Gina DiCaro  
Illinois Racing Board  
Legal Department  
100 W. Randolph, Ste.11-100  
Chicago, IL 60601  
(312) 814-5070

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED REPEALER

12) Initial Regulatory Flexibility Analysis:

A) Types of small business affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda which this rulemaking was summarized: January 1996

The full text of the proposed repealer begins on the next page:

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED REPEALER

TITLE 2: GOVERNMENTAL ORGANIZATION  
 SUBTITLE E: MISCELLANEOUS STATE AGENCIES  
 CHAPTER XXXI: ILLINOIS RACING BOARD

## PART 2251

## ACCESS TO INFORMATION OF THE ILLINOIS RACING BOARD (REPEALED)

## SUBPART A: INTRODUCTION

## Section

2251.10 Summary and Purpose  
 2251.20 Definitions

## SUBPART B: PROCEDURES FOR REQUESTING PUBLIC INFORMATION

## Section

2251.30 Person to Whom Requests are Submitted  
 2251.40 Form and Content of Requests

## SUBPART C: PROCEDURES FOR BOARD RESPONSE TO REQUESTS FOR PUBLIC RECORDS

## Section

2251.50 Timeline for Board Response  
 2251.55 Types of Board Responses

## SUBPART D: PROCEDURES FOR APPEAL OF A DENIAL

## Section

2251.60 Appeal of a Denial  
 2251.65 Chairman's Response to Appeal

## SUBPART E: PROCEDURES FOR PROVIDING PUBLIC RECORDS TO REQUESTERS

## Section

2251.70 Inspection of Records at Board Office  
 2251.75 Copies of Public Records  
 2251.78 General Materials Available from the Freedom of Information Officer

## APPENDIX A

Request for Public Records

## APPENDIX B

Fee Schedule for Duplication of Public Records

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 9 Ill. Reg. 7168, effective May 2, 1985; repealed at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED REPEALER

## SUBPART A: INTRODUCTION

## Section 2251.10 Summary and Purpose

- a) These rules are established to implement the provisions of the Freedom of Information Act (P.A. 83-1013, effective July 1, 1984, Ill. Rev. Stat. 1984 Supp., ch. 116, par. 201 et seq.). The purpose of the these rules is to support the policy of providing public access to the public records in the possession of the Board while, at the same time, protecting legitimate privacy interests and maintaining administrative efficiency.
- b) These rules create a procedure by which the public may request and obtain public records. Therefore, they are being filed in accordance with Section 4.01 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1983, ch. 127, par. 1004.01).

## Section 2251.20 Definitions

Terms used in these rules shall have the same meaning as in the Freedom of Information Act.

"FOIA" means the Freedom of Information Act.

"Freedom of Information Officer" means an individual responsible for receiving and responding to requests for public records.

"Requestor" means a person who submits a request for public records in accordance with these rules.

## SUBPART B: PROCEDURES FOR REQUESTING PUBLIC INFORMATION

## Section 2251.30 Person to Whom Requests are Submitted

Requests for public records shall be submitted to the Freedom of Information Officer of the Board. Requests shall be submitted to:

Freedom of Information Officer  
 Illinois Racing Board  
 State of Illinois Center at Chicago  
 100 West Randolph Street  
 Suite 11-100  
 Chicago, Illinois 60601

## Section 2251.40 Form and Content of Requests

- a) Requests in accordance with the FOIA and these rules shall be made in writing. Such requests may be submitted on FOIA request forms provided by the Board. (See Appendix A to these rules).
- b) Oral requests will be handled expeditiously. However, the required



## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED REPEALER

response time and the appeal procedures contained in the FOIA and these rules do not apply to oral requests.

c) The requestor shall provide the following information in a request for public records:

- 1) The requestor's full name, address and phone number.
- 2) A brief description of the public records sought, being as specific as possible.
- 3) Whether the request is for inspection of public records, copies of public records, or both.

SUBPART C: PROCEDURES FOR BOARD RESPONSE TO  
REQUESTS FOR PUBLIC RECORDS

**Section 2251.50 Timeline for Board Response**

- a) The Board shall respond to a written request for public records within 7 working days after the receipt of such request.
- b) The Board may give notice of an extension of time to respond which does not exceed an additional seven working days. Such an extension is allowable only if written notice is provided within the original seven working day time limit and only for the reasons provided in Section 3(d) of the FOIA. Such notice of extension shall state the reasons why the extension is necessary.

**Section 2251.55 Types of Board Responses**

- a) The Board shall respond to a request for public records in one of three ways:
  - 1) Approve the request.
  - 2) Approve in part and deny in part.
  - 3) Deny the request.
- b) Upon approval of a request for public records, the Board may either provide the materials immediately, give notice that the materials shall be made available upon payment of reproduction costs or give notice of the time and place for inspection of records.
- c) A denial of a request for public records shall be made in writing. It shall state the reasons for the denial in accordance with either Section 3(f) or Section 7 of the FOIA and the names and titles of individuals responsible for the decision. It shall also give notice of the requestor's right to appeal to the Chairman of the Board.
- d) Categorical request creating an undue burden upon the Board shall be denied only after extending to the requestor an opportunity to confer in an attempt to reduce the request to manageable proportions in accordance with Section 3(f) of the FOIA.
- e) Failure to respond to a written request within seven working days may be considered by the requestor a denial of the request.

SUBPART D: PROCEDURES FOR APPEAL OF A DENIAL

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED REPEALER

**Section 2251.60 Appeal of a Denial**

- a) A requestor whose request has been denied by the Freedom of Information Officer may appeal the denial to the Chairman of the Board. The notice of appeal shall be made in writing and sent to:
 

Chairman  
State of Illinois Center at Chicago  
100 West Randolph Street  
Suite 11-100  
Chicago, Illinois 60601  
ATTN: FOIA Request
- b) The notice of appeal shall include a copy of the original request, a copy of the denial received the requestor, and a statement of the reasons why the appeal should be granted.

**Section 2251.65 Chairman's Response to Appeal**

The Chairman shall respond to an appeal within seven working days after receiving notice thereof. The Chairman shall either affirm the denial or provide access to the requested public records. Failure to respond within seven working days may be considered by the requestor an affirmation of the denial.

SUBPART E: PROCEDURES FOR PROVIDING PUBLIC  
RECORDS TO REQUESTERS

**Section 2251.70 Inspection of Records at Board Office**

- a) Generally, public records will be made available for inspection during normal working hours of the Board at the office of the Freedom of Information Officer.
- b) Documents which the requestor wishes to have copied shall be segregated during the course of the inspection. Generally, all copying shall be done by Board employees.
- c) Unless otherwise arranged, the inspection of records shall take place at the office of the Freedom of Information Officer. For purposes of convenience, either the Board or the requestor may request that inspection take place in another Board office location.
- d) An employee of the Board may be present throughout the inspection. A requestor may be prohibited from bringing bags, brief cases, or other containers into the inspection room.

**Section 2251.75 Copies of Public Records**

- a) Copies of public records shall be provided to the requestor only upon payment of any charges which are due.
- b) Charges for copies of public records shall be assessed in accordance with the "Fee Schedule for Duplication of Public Records" attached as

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED REPEALER

Appendix B to these rules.

- c) Charges for postage, if any, shall be the actual cost of such postage.
- d) Charges shall be waived if the requestor is a State agency, a constitutional officer, or a member of the General Assembly. Charges shall be waived in any other case where the Freedom of Information Officer determines that the waiver serves the public interest because the furnishing of such information primarily serves the general public.

**Section 225l.78 General Materials Available from the Freedom of Information Officer**

The Freedom of Information Officer shall make available to the public at no charge the following materials:

- a) A brief description of the organizational structure and budget of the Board;
- b) A brief description of the means for requesting information and public records; and
- c) A list of types and categories of public records maintained by the Board.
- d) An individual chapter of the Board's rules.
- e) A current Annual Report of the Board.

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED REPEALER

**Section 225l.APPENDIX A Request for Public Records**

TO: FOI Officer  
Illinois Racing Board  
State of Illinois Center at Chicago  
100 West Randolph Street  
Suite 11-100  
Chicago, Illinois 60601

FROM: NAME  
ADDRESS

PHONE NUMBER

**DESCRIPTION OF REQUESTED RECORD(S):**

Please indicate if you wish to inspect the above captioned records or wish a copy of them:

Inspection

Copy

Both

Do you wish to have copies certified?

**FOR OFFICE USE ONLY:**

Date Received

Date Response Due

Notations re Oral Communications or Other Items.

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED REPEALER

## Section 2251.APPENDIX B Fee Schedule for Duplication of Public Records

## Type of Duplication Per Copy Charge

Paper copy from paper original  
(possible different charges for different sizes) \$ .15

Paper copy from microfilm original  
(possibly different charges for different sizes) .XX

Black and white film and prints  
(different charges for different lengths) X.XX

Audio tape  
(different charges for different lengths) X.XX

Thoroughbred Rule Book 3.50

Harness Rule Book 3.50

Combined Rule Book 3.50

Some records possess by the Board are in book or pamphlet form. A charge may be assessed for such materials based upon the cost of such materials incurred by the Board.

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED REPEALER

1) Heading of the Part: Corrupt Practices2) Code Citation: 11 Ill. Adm. Code 14223) Section Numbers: Proposed Action:

1422.10 Repeal

1422.20 Repeal

1422.30 Repeal

1422.40 Repeal

1422.50 Repeal

1422.60 Repeal

1422.70 Repeal

1422.80 Repeal

1422.90 Repeal

1422.100 Repeal

1422.110 Repeal

1422.113 Repeal

1422.117 Repeal

1422.120 Repeal

1422.125 Repeal

4) Statutory Authority: 230 ILCS 5/9(b)

5) A Complete Description of the Subjects and Issues Involved: This rulemaking is part of a large project to reorganize the Board's rules. The Sections being repealed in this proposal can be found (slightly modified) in the proposed Part 212.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporation by reference? No

9) Are there any other proposed amendments pending in this Part? No

10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this notice, to:

Gina DiCaro  
Illinois Racing Board  
Legal Department  
100 West Randolph, Ste. 11-100



ILLINOIS RACING BOARD

NOTICE OF PROPOSED REPEALER

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY  
SUBTITLE B: HORSE RACING  
CHAPTER I: ILLINOIS RACING BOARD  
SUBCHAPTER g: RULES AND REGULATIONS OF HORSE RACING (THOROUGHbred)

PART 1422  
CORRUPT PRACTICES (REPEALED)

Section	Disbarment of Officials
1422.10	Bribes to Officials
1422.20	Betting by Assistant Starters and Other Employees
1422.30	Fraudulent Practices
1422.40	Intentional Foul
1422.50	Disqualified Horse
1422.60	Jockey Interest in Horse
1422.70	Foreign Book
1422.80	Handbooks
1422.90	Touting
1422.100	Offering a Bribe
1422.110	Accepting a Bribe
1422.113	Failure to Report Offer of Bribe
1422.117	Goadling Devices
1422.120	Firearms
1422.125	

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Published in Rules and Regulations of Horse Racing, (original date not cited in publication); codified at 5 Ill. Reg. 10994; amended at 18 Ill. Reg. 17730, effective November 28, 1994; repealed at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 1422.10 Disbarment of Officials

No one interested in the result of a race either because of ownership of any horse entered or because of bets or other material interest such as might accrue in a futurity or produce stake, shall act as judge, starter or official therein; for any violation of this rule, the guilty person or persons may be suspended or ruled off.

Section 1422.20 Bribes to Officials

Every person committing the following offenses shall be ruled off:

- a) If any person gives or offers, or promises to directly or indirectly bribe in any form any person having official duties in relation to any race or race horse, or to any trainer, jockey or agent, or to any other person having charge of, or access to, any race horse; or

ILLINOIS RACING BOARD

NOTICE OF PROPOSED REPEALER

Chicago, IL 60601  
(312) 814-5070

12) Initial Regulatory Flexibility Analysis:

- A) Types of small business affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda which this rulemaking was summarized: January 1996
- The full text of the proposed repealer begins on the next page:

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED REPEALER

- b) If any person having official duties in relation to a race, or if any trainer, jockey, agent or other person having charge of, or access to, any race horse, accept, or offer any bribe in any form; or
- c) Wilfully enter, or cause to be entered, or to start for any race a horse which he knows or believes to be disqualified; or
- d) If any person be guilty of, or shall conspire with any other person for the commission of, or shall connive with any person being guilty of, any corrupt or fraudulent practice in relation to racing in this or any other country.

**Section 1422.30 Betting by Assistant Starters and Other Employees**

No assistant starter or track employee having duties in relation to a race may wager money or other valuable thing on the result of a race.

**Section 1422.40 Fraudulent Practices**

Every person committing the following offenses shall be ruled off:

- a) If any person fraudulently offers or receives any amount of money for declaring an entry out of a purse or stake; or
- b) If any person is a part owner or trainer of a horse in which a jockey has any interest; or
- c) If any person makes a bet with or on behalf of a jockey, unless it be a bet by the owner on a horse that the jockey is riding; or
- d) If any person offers or gives to any jockey any money, reward, or present in connection with the riding of any race by said jockey, unless said person is the employer of or the owner or trainer of the horse the jockey is riding; or
- e) If any jockey accepts a mutual ticket or makes a bet on any horse other than the one he rides; or
- f) If any person be guilty of any other corrupt or fraudulent practice on the turf, in this or any other country.

**Section 1422.50 Intentional Foul**

If the stewards at any time are satisfied that the riding of any race was intentionally foul, or that any jockey was instructed or induced so to ride, all persons guilty of complicity shall be suspended and the case shall be reported to the Board for such action as it may deem necessary.

**Section 1422.60 Disqualified Horse**

Any horse that has been the subject of fraudulent practice may be disqualified, the stewards of the meeting disqualifying the horse for no longer period than the duration of the meeting and reporting the circumstances to the Board for such action as it may deem proper.

**Section 1422.70 Jockey Interest in Horse**

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED REPEALER

Any person knowingly acting in the capacity of part owner or trainer of any horse in which a jockey possesses any interest or making any bet with or on behalf of any such jockey, shall be suspended and his case reported to the Board for such further action as it may deem necessary.

**Section 1422.80 Foreign Book**

No operator giving a race meeting under license issued by the Illinois Racing Board shall permit bets to be made on the grounds of said operator on any race run outside of the grounds, and no foreign book or gambling device of any kind shall be permitted on said grounds.

**Section 1422.90 Handbooks**

Anyone guilty of making a handbook on the grounds of any operator licensed by the Board, shall be ejected from the grounds, and denied further admission thereto. Any person interested in any horse at said meeting who shall be guilty of betting with or through any such handbook, shall be ejected from the grounds or denied admission by order of the stewards.

**Section 1422.100 Touting**

If any trainer, jockey, stable employee or other person solicits bets from the public by correspondence or other methods, to be made on a horse in any stable, such person or persons so offending shall be ruled off the course or denied admission by the stewards.

**Section 1422.110 Offering a Bribe**

Any person who, with intent to influence any person participating in, officiating or connected with any professional or amateur athletic contest, sporting event or exhibition, gives, offers or promises any money, bribe or other thing of value or advantage to induce such participant, official or other person not to use his best efforts in connection with such contest, event or exhibition shall be fined from \$1,000 to \$5,000 or imprisoned in the penitentiary from one to five years, or both.  
(Editor's Note: This is a quote from Ill. Rev. Stat. 1979 ch. 38, par. 29-1 prior to its amendment by P.A. 77-2638. Current text makes this offense a class 4 felony).

**Section 1422.113 Accepting a Bribe**

Any person participating in, officiating or connected with any professional or amateur athletic contest, sporting event or exhibition who accepts or agrees to accept any money, bribe or other thing of value or advantage with the intent, understanding or agreement that he will not use his best efforts in connection with such contest, event or exhibition shall be fined from \$1,000 to \$5,000 or imprisoned in the penitentiary from one to five years or both.

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED REPEALER

(Editor's Note: this is a quote from Ill. Rev. Stat. 1979 ch. 38, par. 29-1 prior to its amendment by P.A. 77-2638. Current text makes this offense a class 4 felony).

**Section 1422.117 Failure to Report Offer of Bribe**

Any person participating, officiating or connected with any professional or amateur athletic contest, sporting event or exhibition who fails to report forthwith to his employer, the promoter of such contest, event or exhibition, a peace officer, or the local State's Attorney any offer or promise made to him in violation of section 29-1 shall be fined not to exceed \$500 or imprisoned in a penal institution other than the penitentiary not to exceed one year or both.

(Editor's Note: This is a quote from Ill. Rev. Stat. 1979 ch. 38, par. 29-1 prior to its amendment by P.A. 77-2638. Current text makes this offense a class 4 felony)

**Section 1422.120 Goaded Devices**

No appliances, electrical, mechanical or chemical, other than the ordinary whip shall be used for the purpose of stimulating a horse or affecting his speed in a race. Spurs may be employed during workouts or training periods. Every person so offending may be ruled off or otherwise penalized.

**Section 1422.125 Firearms**

No person, except track security personnel and law enforcement officials while engaged in the performance of their official duties, shall possess or discharge any firearm within any race track enclosure.

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED RULES

1) Heading of the Part: Disciplinary Rules

2) Code Citation: 11 Ill. Adm. Code 211

3) Section Numbers: Proposed Action:

211.10	New Section
211.20	New Section
211.30	New Section
211.40	New Section
211.50	New Section
211.60	New Section
211.70	New Section
211.80	New Section
211.90	New Section
211.100	New Section
211.110	New Section
211.120	New Section

4) Statutory Authority: 230 ILCS 5/9(b)

5) A Complete Description of the Subjects and Issues Involved: This rulemaking reorganizes current Board rules found in Parts 1303, 1322, 1323, 1402, 1408 and 1422 into one general part. The proposed rules contain provisions for penalties, fines, suspensions, exclusions, financial responsibility, and use of track grounds.

6) Will these proposed rules replace emergency rules currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed rules contain incorporation by reference? No

9) Are there any other proposed rules pending in this Part? No

10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days of this notice, to:

Gina DiCaro  
Illinois Racing Board, Legal Department  
100 West Randolph, Ste. 11-100  
Chicago, Illinois 60601  
(312) 814-5070

12) Initial Regulatory Flexibility Analysis:



## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED RULES

- A) Types of small business affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda which this rulemaking was summarized: January 1996

The full text of the proposed amendment begins on the next page:

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED RULES

- TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY  
 SUBTITLE B: HORSE RACING  
 CHAPTER I: ILLINOIS RACING BOARD  
 SUBCHAPTER a: GENERAL RULES

PART 211  
 DISCIPLINARY RULES

Section	
211.10	Penalties
211.20	License Denial
211.30	Fines
211.40	Suspensions
211.50	Exclusions
211.60	Stewards' Rulings
211.70	Protests
211.80	Financial Responsibility
211.90	Distribution of Pools
211.100	Probationary Permit
211.110	Right to Compete
211.120	Use of Track Grounds

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 211.10 Penalties

- a) The State Stewards shall impose penalties for any violation or any overt attempt to violate any of the Board's Rules. Penalties imposed may be:
- 1) Denial, revocation or suspension of license,
  - 2) Fines not exceeding \$5,000 for each violation,
  - 3) Exclusion from pari-mutuel racing in Illinois, and/or
  - 4) Forfeiture of purses.
- b) All penalties imposed by the Stewards shall be recorded in the Stewards' book. Written notice shall be given to the penalized person.
- c) Notice of penalties shall be posted in the Racing Office and forwarded to the United States Trotting Association (USTA) or Association of Racing Commissioners International.
- d) Penalties imposed on harness drivers shall be recorded on their USTA license.
- e) The Board may vacate or modify any penalty imposed by the Stewards.

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED RULES

**Section 211.20 License Denial**

The Stewards shall have the authority to deny a license application from any occupation licensee.

**Section 211.30 Fines**

- a) Payment of a fine, directly or indirectly, by a person other than the person upon whom it is imposed is prohibited.
- b) Any person fined pursuant to Board Rules shall be suspended until the fine is paid in full.

**Section 211.40 Suspensions**

- a) The period of any suspension imposed by the Stewards shall be stated in the ruling.
- b) Any person appealing a suspension shall remain suspended pending the final decision of the Board.
- c) Any person suspended by the Stewards is prohibited from acting as an officer or official of an organization licensee.
- d) No one under suspension shall be allowed on the grounds of any organization licensee, intertrack wagering licensee or intertrack wagering location licensee unless his/her presence is authorized by the Board or Stewards.

**Section 211.50 Exclusions**

The Stewards shall exclude from all places under their control any person found guilty of corrupt or fraudulent turf practices by turf authorities of any country or Stewards of any recognized meeting.

**Section 211.60 Stewards' Rulings**

The ruling of the Stewards shall be presumed correct. The election of a penalized party to forego an appeal as provided in 11 Ill. Adm. Code 204 shall be considered as a waiver of rights and an admission that the ruling is correct.

**Section 211.70 Protests**

- a) Protests may only be made by an owner, trainer, driver or jockey of one of the contending horses. Protests shall be made in writing before purses are paid.
- b) The Stewards shall demand that any occupation licensee testifying before them, after a protest has been filed, do so under oath. In the event an occupation licensee refuses to testify under oath, the involved horse shall not be allowed to start in the race and shall forfeit all entrance money.

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED RULES

- c) In the event the Stewards do not find satisfactory evidence to exclude the involved horse, it shall be allowed to start in the race under protest. The purse, if won by that horse, shall be held by order of the Stewards to allow all parties an opportunity to sustain or dispute allegations of the protest.

- d) The Stewards may penalize any person who protests a race falsely or without cause.

**Section 211.80 Financial Responsibility**

- a) A creditor who alleges an unpaid obligation or default in obligation directly relating to horse racing (e.g., hay vendors, tack shops and veterinarians) may submit to the Board an Illinois court judgment describing the same. The Stewards shall notify the licensee that a judgment has been filed with the Board and that he/she shall have 30 days to satisfy the judgment.
- b) In the event the licensee appeals the court judgment within 30 days, the Stewards shall not take any action against the licensee. If after 30 days the judgment remains unsatisfied and no further court action has been initiated, the Stewards shall suspend the licensee or deny a pending license application.
- c) The creditor shall file a Release (or Satisfaction) of Judgment with the Stewards when the obligation has been satisfied. Failure on the part of the creditor to file the Satisfaction of Judgment shall result in a civil penalty, not to exceed \$5,000.

**Section 211.90 Distribution of Pools**

Nothing contained herein shall affect the distribution of pari-mutuel pools when the distribution is made upon the official placing at the conclusion of the race.

**Section 211.100 Probationary Permit**

Probationary permits may be issued by the Board to jockeys, apprentices and exercise persons who have been disciplined. During the period of the probationary permit, it may be revoked by the Board upon the recommendation of the Board or Stewards. After one year, the probationer shall be eligible for a regular license in his/her proper classification.

**Section 211.110 Right to Compete**

- a) No horse shall have the right to compete while owned or controlled, wholly or in part, by a suspended or excluded person. The fraudulent transfer of a horse by any person or persons under suspension, in order to circumvent the suspension, shall constitute a violation of this part.
- b) Any person who enters a disqualified horse shall be held liable for

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED RULES

the entrance fee without the right to compete unless the disqualification is removed.

**Section 211.120 Use of Track Grounds**

Any organization willfully allowing the use of its grounds by a suspended or excluded person or a disqualified horse shall be subject to a fine or suspension of its license.

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Forbidden Conduct
- 2) Code Citation: 11 Ill. Adm. Code 1320
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1320.10	Repeal
1320.20	Repeal
1320.30	Repeal
1320.40	Repeal
1320.50	Repeal
1320.60	Repeal
1320.70	Repeal
1320.80	Repeal
1320.90	Repeal
1320.100	Repeal
1320.110	Repeal
1320.120	Repeal
1320.130	Repeal
1320.150	Repeal
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking is part of a large project to reorganize the Board's rules. The provisions being repealed in this proposal may be found (slightly modified) in the proposed Part 212.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporation by reference? No
- 9) Are there any other proposed amendments pending in this Part? No
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this notice, to:

Gina DiCaro  
 Illinois Racing Board  
 Legal Department  
 100 W. Randolph, Ste. 11-100  
 Chicago, IL 60601



## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED REPEALER

(312) 814-5070

12) Initial Regulatory Flexibility Analysis:A) Types of small business affected: NoneB) Reporting, bookkeeping or other procedures required for compliance: NoneC) Types of professional skills necessary for compliance: None13) Regulatory Agenda which this rulemaking was summarized: January 1996The full text of the proposed repealer begins on the next page:

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED REPEALER

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER f: RULES AND REGULATIONS OF HARNESS RACING

## PART 1320

FORBIDDEN CONDUCT (REPEALED)

Section	
1320.10	Improper Conduct
1320.20	Assault and/or Battery
1320.30	Conspiracy Not to Race
1320.40	Demand Special Rewards
1320.50	Betting On Starters
1320.60	Fraudulent Proposals
1320.70	Acts Injurious to Racing
1320.80	Conspiracy to Violate Rules
1320.90	Sworn Oaths
1320.100	Association with Undesirables
1320.110	Bookmaking
1320.120	Solicitation of Wagers
1320.130	Betting By Board Employees
1320.140	Sale of Products by Board Appointees (Repealed)
1320.150	Humane Treatment of Horses

**AUTHORITY:** Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)]

**SOURCE:** Published in Rules and Regulations of Harness Racing (original date not cited in publication); codified at 5 Ill. Reg. 10948; amended at 9 Ill. Reg. 11653, effective July 15, 1985; amended at 18 Ill. Reg. 17751, effective November 28, 1994; amended at 20 Ill. Reg. 5883, effective April 15, 1996; repealed at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 1320.10 Improper Conduct**

No owner, trainer, driver, attendant of a horse, or any other person shall use improper language to an official, or be guilty of any improper conduct toward such officers or judges or persons serving under their orders, such improper language or conduct having reference to the administration of the course, or of any race thereon.

**Section 1320.20 Assault and/or Battery**

No licensee on organization grounds shall commit an assault or battery.

**Section 1320.30 Conspiracy Not to Race**

ILLINOIS RACING BOARD

NOTICE OF PROPOSED REPEALER

If any owner, trainer, or driver of a horse shall threaten or join with others in threatening not to race, or not to declare in, because of the entry of a certain horse or horses, or a particular stable, thereby compelling or trying to compel the racing secretary to reject certain eligible entries, it shall be immediately reported to the state steward and the offending parties may be suspended pending a hearing.

**Section 1320.40 Demand Special Rewards**

No owner, agent or driver who has entered a horse shall thereafter demand of the track a bonus of money or other special award or consideration as a condition for starting the horse.

**Section 1320.50 Betting On Starters**

No owner, trainer, driver, agent, employee or attendant shall bet or cause any other person to bet on his behalf on any other horse in any race in which a horse owned, trained, or driven or in which he in any way represents or handles is a starter.

**Section 1320.60 Fraudulent Proposals**

If any person under the jurisdiction or control of the Board is approached with any offer or promise of a bribe, or with a request or a suggestion for a bribe, or for any improper, corrupt or fraudulent act or practice in relation to a race or racing, or that any race shall be conducted otherwise than fairly in accordance with the Rules and Regulations of the Board, it shall be the duty of such person to report immediately such matters to the judges and the Board. Persons violating this section will be suspended for a period of not less than 30 days to a lifetime suspension.

**Section 1320.70 Acts Injurious to Racing**

Any misconduct on the part of a race track operator or participant, fraudulent in its nature or injurious to the character of the turf, although not specified in these rules, is forbidden. Any person or persons who individually or in concert with one another, shall fraudulently and corruptly, by any means, affect the outcome of any race or affect a false registration or commit any other act injurious to the sport, shall be guilty of a violation.

**Section 1320.80 Conspiracy to Violate Rules**

If two or more persons shall combine and confederate together in any manner, regardless of where the said persons may be located, for the purpose of violating any of these rules and shall commit some act in furtherance of the said purpose and plan, it shall constitute a conspiracy and a violation.

**Section 1320.90 Sworn Oaths**

ILLINOIS REGISTER

ILLINOIS RACING BOARD

NOTICE OF PROPOSED REPEALER

In any case where an oath is administered by judges, or a representative of this Board under the Rules and Regulations, or a Notary Public, or any other person legally authorized to administer oaths, if the party knowingly swears falsely or withholds information pertinent to the investigation, he shall be fined, suspended, or both, or expelled.

**Section 1320.100 Association with Undesirables**

No owner, driver, trainer, groom, attendant or any other person having charge of or access to any horse shall at any time associate with, consort with or in any manner communicate with any known bookmaker, tout or persons of similar pursuits either on or off the track. If the reputation of a gambler, bookmaker, tout or person of similar pursuit is notorious, the owner, driver, trainer, groom, attendant or other persons having charge of, or access to any horse shall be presumed to have knowledge of the fact. Persons violating this section will be suspended for a period of not less than 30 days to a lifetime suspension.

**Section 1320.110 Bookmaking**

Anyone guilty of making a handbook on the grounds of any race track operator shall be ejected from the grounds, and denied further admission thereto, and any owner, driver, or other person interested in any horse or horses at said meeting, who shall be guilty of betting with or through any such handbook, shall be ejected from the grounds or denied admission by order of the stewards.

**Section 1320.120 Solicitation of Wagers**

If any trainer, driver, stable employee or other person solicits bets from the public by correspondence or other methods, to be made on the horses in any stable, or passes information to outsiders for betting purposes, such person or persons so offending shall be ruled off the course or denied admission by order of the stewards.

**Section 1320.130 Betting By Board Employees**

Any person appointed or approved by the Board is prohibited from betting or having anyone bet for him. Employees violating this rule shall be removed from their positions.

**Section 1320.140 Sale of Products by Board Appointees (Repealed)**

**Section 1320.150 Humane Treatment of Horses**

- a) No person shall subject any animal to any form of cruelty, mistreatment, neglect, abuse, abandonment, or injury on the grounds of an organization licensee.
- b) No person shall deprive any animal of necessary care, sustenance,

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED REPEALER

shelter or veterinary care on the grounds of an organization licensee.

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Horse Health Rules
- 2) Code Citation: 11 Ill. Adm. Code 1431
- 3) Section Numbers:
- |         |                         |
|---------|-------------------------|
| 1431.10 | <u>Proposed Action:</u> |
| 1431.20 | Repeal                  |
| 1431.30 | Repeal                  |
| 1431.40 | Repeal                  |
| 1431.50 | Repeal                  |
| 1431.70 | Repeal                  |
| 1431.80 | Repeal                  |
| 1431.85 | Repeal                  |
| 1431.90 | Repeal                  |
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking is part of a large project to re-organize the Board's rules. The Sections being repealed in this proposal can be found (slightly modified) in the proposed Part 1431.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporation by reference? No
- 9) Are there any other proposed amendments pending in this Part? No
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days of this notice, to:
- Gina DiCaro  
Illinois Racing Board, Legal Department  
100 West Randolph, Ste. 11-100  
Chicago, Illinois 60601  
(312)814-5070
- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small business affected: None



ILLINOIS RACING BOARD

NOTICE OF PROPOSED REPEALER

- B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
  - 13) Regulatory Agenda which this rulemaking was summarized: January 1996
- The full text of the proposed repealer begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF PROPOSED REPEALER

- TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
- SUBTITLE B: HORSE RACING
- CHAPTER I: ILLINOIS RACING BOARD
- SUBCHAPTER g: RULES AND REGULATIONS OF HORSE RACING (THOROUGHbred)

PART 1431

HORSE HEALTH RULES [REPEALED]

- Section 1431.10 Valid Health Certificate
- 1431.20 Pest Control
- 1431.30 Disposable Needles; Hypodermics
- 1431.40 Clean Equipment
- 1431.50 Equipment used on Animals
- 1431.60 Tongue Ties (Repealed)
- 1431.70 Health Rule Violations
- 1431.80 Establish Health Rules
- 1431.85 AGID (Coggins) Test
- 1431.90 Humane Treatment of Horses

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Published in Rules and Regulations of Horse Racing (original date not cited in publication); codified at 5 Ill. Reg. 11006; amended at 20 Ill. Reg. 5886, effective April 15, 1996; repealed at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 1431.10 Valid Health Certificate

- a) No horse will be allowed in at a race track where a meet is in progress or imminent unless a current, valid health certificate is presented for him. A health certificate is valid when it is made by a certified veterinarian licensed by the state where the exam and certificate are prepared. No horse will be permitted to start unless said certificate is on file with the state veterinarian.
- b) It is current if it is dated not more than 10 days prior to the date the horse described in the certificate arrives at an Illinois race track for the first time in a calendar year. When a horse is shipped from a Chicago area track to a track in Southern Illinois or from a track in Southern Illinois to a Chicago area track, a new examination must be made and a new health certificate shall include the temperature of the horse at the time he was examined. The operator putting on a meet is responsible for compliance with this rule.

Section 1431.20 Pest Control

The race track operator shall maintain systematic, effective control against

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED REPEALER

flies, mosquitoes, other insects and rats at all times during a meeting. Horses must be stabled in individual box stalls with appropriate feeding and watering facilities. Stables and immediate surrounding areas must be kept in a sanitary condition at all times. Satisfactory drainage must be provided and manure and other refuse must be promptly and properly removed. These regulations apply to any stabling areas that the Board has approved for the race track operator. The Board or its official representatives will make periodic inspections of a track. Failure to comply with sanitary practices or provide any pest control will result in loss of racing dates.

**Section 1431.30 Disposable Needles; Hypodermics**

- a) Veterinarians practicing on a race track where a race meet is in progress or imminent shall use one time disposable needles and shall dispose of them in an approved manner.
- b) No one, but a licensed veterinarian, may have a needle or syringe of any kind, type or description or an injectable drug on his person or in his custody, or in the control, custody or possession of any of his employees.

**Section 1431.40 Clean Equipment**

Paddocks, starting gates and other equipment subjected to contact by different animals must be kept in a clean condition and free from dangerous surfaces by management.

**Section 1431.50 Equipment used on Animals**

Sterile equipment must be used for collecting material for the saliva test. All types of instruments used on horses, including surgical, tattooing, dental and similar items, must be properly cleaned and sterilized by boiling for 15 minutes or autoclaving 15 minutes at 15 pounds pressure before use on each animal.

**Section 1431.60 Tongue Ties (Repealed)****Section 1431.70 Health Rule Violations**

The state veterinarians shall be consulted about any alleged violations of these rules. Investigations will be made and reported promptly to the Board. The Board will suspend or revoke the license of anyone violating these rules.

**Section 1431.80 Establish Health Rules**

The state veterinarians may establish procedures, relative to this rule, that will govern all practicing veterinarians at the race track.

**Section 1431.85 AGID (Coggins) Test**

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED REPEALER

Horses having a positive AGID (Coggins) Test must be removed from the race track under the direction of the state veterinarians.

**Section 1431.90 Humane Treatment of Horses**

- a) No person shall subject any animal to any form of cruelty, mistreatment, neglect, abuse, abandonment, or injury on the grounds of an organization licensee.
- b) No person shall deprive any animal of necessary care, sustenance, shelter or veterinary care on the grounds of an organization licensee.

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Prohibited Conduct
- 2) Code Citation: 11 Ill. Adm. Code 423
- 3) Section Numbers: Proposed Action:  
423.20 Repeal
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking is part of a large project to reorganize the Board's rules. The Section being repealed in this proposal can be found (slightly modified) in the proposed Part 212.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporation by reference? No
- 9) Are there any other proposed amendments pending in this Part? No
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this notice, to:

Gina DiCaro  
Illinois Racing Board  
Legal Department  
100 West Randolph, Ste. 11-100  
Chicago, IL 60601  
312/814-5070

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small business affected: None
- B) Reporting, bookkeeping or other procedures required for compliance:  
None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda which this rulemaking was summarized: January 1996

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED REPEALER

The full text of the proposed repealer begins on the next page:



## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED REPEALER

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER b: RULES APPLICABLE TO ORGANIZATION LICENSEES

## PART 423

## PROHIBITED CONDUCT (REPEALED)

## Section

## 423.20 Sale of Products

**AUTHORITY:** Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

**SOURCE:** Adopted at 9 Ill. Reg. 11654, effective July 15, 1985; repealed at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 423.20 Sale of Products**

- a) No Board member, employee or appointee of the Board or racing official approved by the Board (see 11 Ill. Adm. Code 422) shall directly or indirectly, upon the grounds of any organization licensee, offer to sell, solicit sales for, or distribute any product in which such person has a beneficial interest, or who may receive compensation from the promotion, sale or distribution of such product. For the purpose of this Section, a horse shall not be considered a product.
- b) The prohibitions in subsection (a) of this Section shall not apply to ownership interests in concessionaires (defined in 11 Ill. Adm. Code 402.10) by racing officials so long as such ownership interests are disclosed to the Board in the application for a concessionaire's license.

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED RULES

1) **Heading of the Part:** Prohibited Conduct2) **Code Citation:** 11 Ill. Adm. Code 212

3) **Section Numbers:**

212.10	New Section
212.20	New Section
212.30	New Section
212.40	New Section
212.50	New Section
212.60	New Section
212.70	New Section
212.80	New Section
212.90	New Section
212.100	New Section
212.110	New Section
212.120	New Section
212.130	New Section
212.140	New Section
212.150	New Section
212.160	New Section
212.170	New Section
212.180	New Section
212.190	New Section
212.200	New Section
212.210	New Section

**Proposed Action:**

4) **Statutory Authority:** 230 ILCS 5/9(b)

5) **A Complete Description of the Subjects and Issues Involved:** This rulemaking reorganizes current Board rules regarding prohibited conduct which can be found in Parts 1306, 1313, 1318, 1320, 1322, 1403, 1410, 1411, 1422, and 1424. Specific actions, such as assault/battery, use of firearms and goading devices, drinking of alcoholic beverages, and wagering are discussed.

6) **Will these proposed amendments replace emergency amendments currently in effect?** No

7) **Does this rulemaking contain an automatic repeal date?** No

8) **Do these proposed amendments contain incorporation by reference?** No

9) **Are there any other proposed amendments pending in this Part?** No

10) **Statement of Statewide Policy Objectives:** No local governmental units will be required to increase expenditures.

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED RULES

- 11) Time, place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this notice, to:

Gina DiCaro  
Illinois Racing Board  
Legal Department  
100 West Randolph, Ste. 11-100  
Chicago, IL 60601  
(312) 814-5070

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small business affected: None

B) Reporting, bookkeeping or other procedures required for compliance:  
None

C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: January 1996

The full text of the proposed rule begins on the next page:

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED RULES

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY  
SUBTITLE B: HORSE RACING  
CHAPTER I: ILLINOIS RACING BOARD  
SUBCHAPTER a: GENERAL RULES

PART 212  
PROHIBITED CONDUCT

Section	
212.10	Acts Injurious to Racing
212.20	Alcoholic Beverages
212.30	Assault/Battery
212.40	Bribes
212.50	Conspiracy Not to Race
212.60	Demand Special Rewards
212.70	Dishonored Checks
212.80	Firearms
212.90	Loading Devices
212.100	Handbooks
212.110	Humane Treatment of Horses
212.120	Improper Conduct
212.130	Illegal Whipping
212.140	Intentional Foul
212.150	Ownership Interest in Horse
212.160	Private Practice
212.170	Sale of Products
212.180	Tip Sheets
212.190	Touting
212.200	Unauthorized Persons
212.210	Wagering Prohibited

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 212.10 Acts Injurious to Racing

- a) Any organization, occupation licensee or any other person or persons who, individually or in concert with another, fraudulently and corruptly affects the outcome of any race, affects a false registration or commits any other act injurious to the sport shall be guilty of a violation.
- b) No occupation licensee having charge of or access to any horse shall at any time associate with, consort with or in any manner communicate with any known bookmaker, tout or person of similar pursuits either on

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED RULES

or off the track. If the reputation of a gambler, bookmaker, tout or person of similar pursuit is notorious, the occupation licensee or other person having charge of or access to any horse shall be presumed to have knowledge of the fact.

- c) If two or more persons shall combine and confederate together in any manner, regardless of where those persons may be located, for the purpose of violating this Part and shall commit some act in furtherance of that purpose and plan, it shall constitute a conspiracy and a violation.

**Section 212.20 Alcoholic Beverages**

- a) The drinking of alcoholic beverages by any occupation licensee, racetrack employee or Illinois Racing Board employee, while on duty during a race program, is prohibited. Any person violating this Section shall be relieved of his/her duties by the Stewards.

- b) The sale of alcoholic beverages, other than beer, is prohibited on the backstretch or stable areas of the organization licensee.

**Section 212.30 Assault/Battery**

No person on the grounds of an organization licensee shall commit assault or battery, threaten bodily harm, or direct outrageously insulting language to any participant in a race.

**Section 212.40 Bribes**

- a) No occupation licensee, racetrack employee or Illinois Racing Board employee shall accept or offer, directly or indirectly, any gratuity, reward or favor in connection with a race.

- b) Any person who fails to report to the stewards or Board any offer or promise or gratuity, reward, or favor made to him/her in connection with a race shall be fined and subject to criminal charges.

**Section 212.50 Conspiracy Not to Race**

Any owner, trainer, driver or jockey of a horse who threatens not to race or not to declare in because of the entry of another horse, or a particular stable, thereby compelling or trying to compel the Racing Secretary to reject certain eligible entries, shall be reported to the State Stewards and the offending parties may be suspended pending a hearing.

**Section 212.60 Demand Special Rewards**

No occupation licensee or employee of an organization licensee shall demand of any person or entity a bonus of money, other special award or consideration as condition for starting a horse.

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED RULES

**Section 212.70 Dishonored Check**

Any occupation licensee who pays an entry fee, fine or other claim to the Board or organization licensee by draft, check or order, which upon presentation is protested, payment refused or otherwise dishonored, shall be subject to a fine not exceeding the amount of the draft, check or order. That person shall be suspended until the dishonored amount and fine are paid.

**Section 212.80 Firearms**

No person, except race track security personnel and law enforcement officials while engaged in the performance of their official duties, shall possess or discharge any firearm on the premises of any organization licensee.

**Section 212.90 Goaded Devices**

No appliance or electrical, mechanical or chemical device, other than the ordinary whip and spur, shall be used for the purpose of stimulating a horse or affecting its speed in a race.

**Section 212.100 Handbooks**

- a) No occupation licensee, racetrack employee, Illinois Racing Board employee, or other person having access to any horse shall associate with, consort with or in any manner communicate with a known bookmaker, tout or person of similar pursuits.

- b) Anyone found guilty of making a handbook on the grounds of any organization licensee shall be ejected from the premises and denied further admission thereto.

- c) Any occupation licensee, racetrack employee, Illinois Racing Board employee or any other person who wagers with or through a handbook shall be subject to suspension and/or exclusion by the Stewards.

**Section 212.110 Humane Treatment of Horses**

- a) No person shall subject any animal to any form of cruelty, mistreatment, neglect, abuse, abandonment, or injury on the grounds of an organization licensee.

- b) No person shall deprive any animal of necessary care, sustenance, shelter or veterinary care on the grounds of an organization licensee.

**Section 212.120 Improper Conduct**

No occupation licensee, racetrack employee or any other person shall use improper language or be guilty of improper conduct toward any official.

**Section 212.130 Illegal Whipping**



ILLINOIS RACING BOARD  
NOTICE OF PROPOSED RULES

No jockey or driver shall hit or clip a horse across or between the ears.

Section 212.140 Intentional Foul

If the Stewards determine that the riding or driving of any race was intentionally foul, or that a jockey or driver was instructed or induced to ride in that manner, all persons guilty of complicity shall be subject to suspension.

Section 212.150 Ownership Interest in Horse

Any person knowingly acting in the capacity of part owner or trainer of any horse in which a jockey possesses any interest, or wagering with or on behalf of such jockey, shall be subject to a suspension.

Section 212.160 Private Practice

Any veterinarian designated as an official at any race meeting is prohibited from practicing his/her profession, other than during the normal course of his/her official duties, on the grounds of the organization licensee.

Section 212.170 Sale of Products

No Board member, employee or appointee of the Board or racing official approved by the Board pursuant to 11 Ill. Adm. Code 601 shall directly or indirectly, upon the grounds of any organization licensee, offer to sell, solicit sales for, or distribute any product in which such person has a beneficial interest, or who may receive compensation from the promotion, sale or distribution of such product. For the purpose of this Section, a horse shall not be considered a product. This prohibition shall not apply to ownership interests in concessionaires by racing officials so long as such ownership interests are disclosed to the Board pursuant to 11 Ill. Adm. Code 604.

Section 212.180 Tip Sheets

The sale, offer of sale, or gift of printed material dealing with odds, horses or races shall be prohibited on the grounds of the organization licensee unless authorized by the organization licensee and the Board. The organization licensee shall not authorize the distribution or sale of any tip sheet, pamphlet or other publication making false representations. Nothing herein contained shall be construed as applicable to any newspaper, periodical, weekly, or monthly magazine of general circulation.

Section 212.190 Touting

Any occupation licensee, racetrack employee, Illinois Racing Board employee or any other person engaged in racing who solicits wagers from the public, in any manner, to be made on any horse in a race shall be subject to a suspension

and/or exclusion by the Stewards.

Section 212.200 Unauthorized Persons

The harboring of any non-licensed person on the grounds of an organization licensee by an occupation licensee, racetrack employee or any other person is prohibited.

Section 212.210 Wagering Prohibited

- a) Illinois Racing Board employees and appointees are prohibited from wagering on any pari-mutuel horse racing within the State of Illinois. Any employee or appointee found guilty of violating this Section shall be terminated.
- b) Racing Officials and racetrack employees are prohibited from wagering on any pari-mutuel horse racing in Illinois while on duty.
- c) Occupation licensees are prohibited from wagering on any horse in a race other than one that he/she owns, trains or in any other way handles or represents. In the case of a multiple wager (i.e., multiple wagers include, but are not limited to, Trifectas, Perfectas, and Pick N), the occupation licensee shall be prohibited from placing a win wager on any horse in the race other than one that he/she owns, trains or in any other way handles or represents.

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Public Information
- 2) Code Citation: 11 Ill. Adm. Code 200
- 3) Section Numbers:
- |        |                         |
|--------|-------------------------|
| 200.10 | <u>Proposed Action:</u> |
| 200.20 | New Section             |
| 200.30 | New Section             |
| 200.40 | New Section             |
| 200.50 | New Section             |
| 200.60 | New Section             |
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking reorganizes Parts 2250 and 2251 of the Illinois Racing Board's current rules into one general Part. These proposed rules contain provisions for requesting information, types of records not available for inspection, procedures for appealing a denied request for information and copy costs.
- 6) 11 these proposed rules replace emergency rules currently in effect? No
- 7) es this rulemaking contain an automatic repeal date? No
- 8) these proposed amendments contain incorporation by reference? No
- 9) Are there any other proposed amendments pending in this Part? No
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this notice, to:
- Gina DiCaro  
Illinois Racing Board  
Legal Department  
100 West Randolph, Ste. 11-100  
Chicago, IL 60601  
312/814-5070
- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small business affected: None
- B) Reporting, bookkeeping or other procedures required for compliance:

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED RULES

None

C) Types of professional skills necessary for compliance: None13) Regulatory Agenda which this rulemaking was summarized: January 1996The full text of the proposed rule begins on the next page:

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED RULES

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY  
 SUBTITLE B: HORSE RACING  
 CHAPTER I: ILLINOIS RACING BOARD  
 SUBCHAPTER a: GENERAL RULES

PART 200  
 PUBLIC INFORMATION

Section	General
200.10	Requests for Information
200.20	Responses to Requests for Information
200.30	Appeal of a Denied Request
200.40	Inspection of Public Records
200.50	Copies of Public Records
200.60	

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 200.10 General

- a) All records required by law to be filed with the Illinois Racing Board are open for public inspection and may be examined during regular business hours at the Board's central office.
- b) All requests for information shall be directed to the Board's Freedom of Information Officer.
- c) The Freedom of Information Officer shall make available to the public at no charge the following materials:
  - 1) A brief description of the organizational structure and budget of the Board;
  - 2) A brief description of the means for requesting information and public records;
  - 3) A list of types and categories of public records maintained by the Board;
  - 4) An individual Part of the Board's rules; and
  - 5) A current Annual Report of the Board.
- d) The following records and information are not available for copying or inspection:
  - 1) Information records which are prohibited from disclosure by common law or by statute.
  - 2) Investigatory records compiled for law enforcement purposes by law enforcement agencies.
  - 3) Inter-agency or intra-agency memoranda, files or letters which would not be available by law to a party, other than one in

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED RULES

- litigation with the agency.
- 4) Memoranda related solely to the internal personnel rules and practices of the agency.
  - 5) Personnel files or any other files, the disclosure of which would constitute an invasion of personal privacy.
  - 6) Occupation license applications, unless information requests made by racing officials in this or other jurisdictions.
  - 7) Copies of "management letters" from accountants to organization licensees.
  - 8) Records or information which cannot be located or are known to have been destroyed or otherwise disposed of.

## Section 200.20 Requests for Information

- a) Requests shall be made in writing. The provisions contained in this Part shall not apply to oral requests for information.
- b) The requestor shall provide the following information in a request for public records:
  - 1) The requestor's full name, address and telephone number;
  - 2) A specific description of the public records sought; and
  - 3) Whether the request is for inspection of public records, copies of public records, or both.

## Section 200.30 Responses to Requests for Information

- a) The Board shall respond to a written request for public records within seven working days after the receipt of such request.
- b) The Board may give notice of an extension of time to respond which does not exceed an additional seven working days. Such an extension is allowable only if written notice is provided within the original seven working day time limit. Such notice of extension shall state the reasons why the extension is necessary.
- c) If the requested information or copies of the records are not readily available or it is burdensome to provide copies of the records or information, the person requesting the information will be notified as to when the records will be available or where the information may be copied.
- d) The Board shall approve, approve in part and deny in part, or deny a request for information.
- e) Upon approval of a request for public records, the Board may either provide the materials immediately, give notice that the materials shall be made available upon payment of reproduction costs or give notice of the time and place for inspection of records.
- f) A denial of a request for public records shall be made in writing. It shall state the reasons for the denial and notice of the requestor's right to appeal to the Chairman of the Board.
- g) A categorical request creating an undue burden upon the Board shall be denied only after extending to the requestor an opportunity to confer



## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED RULES

- in an attempt to reduce the request to manageable proportions.
- h) Failure to respond to a written request within seven working days may be considered by the requestor a denial of the request.

**Section 200.40 Appeal of a Denied Request**

- a) In the event a request for information is denied, the requestor may appeal the decision to the Executive Director of the Board.
- b) The appeal shall be made in writing and shall include a copy of the original request, a copy of the denial received by the requestor, and a statement of the reasons why the appeal should be granted.
- c) The Executive Director shall respond to an appeal within seven working days after receipt of the notice of appeal. The Executive Director shall either affirm the denial or provide access to the requested public records. Failure to respond within seven working days may be considered by the requestor an affirmation of the denial.

**Section 200.50 Inspection of Public Records**

- a) Public records will be made available for inspection during normal working hours of the Board at its central office.
- b) Documents which the requestor wishes to have copied shall be segregated during the course of the inspection.
- c) An employee of the Board may be present throughout the inspection. A requestor may be prohibited from bringing bags, brief cases, or other containers into the inspection room.

**Section 200.60 Copies of Public Records**

- a) Copies of public records shall be provided to the requestor only upon payment of any charges which are due.
- b) Charges for copies of public records shall be assessed at the following rates:
- 1) \$.25 per page for standard copy.
  - 2) \$10.00 for a complete rulebook.
  - 3) Actual reproduction costs for film, videotape or audiotape.
  - 4) Actual printing or reproduction costs for any information which is in booklet or pamphlet form.
- c) Charges for postage, if any, shall be the actual cost of such postage.
- d) Charges shall be waived if the requestor is a State agency, a constitutional officer, or a member of the General Assembly. Charges shall be waived in any other case where the Freedom of Information Officer determines that the waiver serves the public interest because the furnishing of such information primarily serves the general public.

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Public Information, Rulemaking and Organization
- 2) Code Citation: 2 Ill. Adm. Code 2250

3) Section Numbers: Proposed Action:

2250.5	Repeal
2250.10	Repeal
2250.20	Repeal
2250.30	Repeal
2250.40	Repeal
2250.50	Repeal
2250.60	Repeal
2250.70	Repeal
2250.110	Repeal
2250.120	Repeal
2250.130	Repeal
2250.140	Repeal
2250.150	Repeal

- 4) Statutory Authority: 230 ILCS 5/9(b)

- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking is part of a large project to reorganize IRB rules. The Sections being repealed in this proposal can be found (slightly modified) in the proposed Parts 200 and 201.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed amendments contain incorporation by reference? No

- 9) Are there any other proposed amendments pending in this Part? No

- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this notice, to:

Gina DiCaro  
Illinois Racing Board  
Legal Department  
100 West Randolph, Ste. 11-100  
Chicago, IL 60601

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED REPEALER

312/814-5070

## 12) Initial Regulatory Flexibility Analysis:

- A) Types of small business affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

## 13) Regulatory Agenda which this rulemaking was summarized: January 1996

The full text of the proposed repealer begins on the next page:

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED REPEALER

TITLE 2: GOVERNMENTAL ORGANIZATION  
SUBTITLE E: MISCELLANEOUS STATE AGENCIES  
CHAPTER XXXI: ILLINOIS RACING BOARD

## PART 2250

PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION (REPEALED)

## SUBPART A: PUBLIC INFORMATION

## Section

- 2250.5 Introduction
- 2250.10 Location of Records
- 2250.20 Addressing of Requests for Information
- 2250.30 Identification of Requests for Information
- 2250.40 Notification to Requestor in Cases Where Information, etc. Not Readily Available
- 2250.50 Records Not Available for Inspection
- 2250.60 Lost or Destroyed Records
- 2250.70 Review of Denied Requests

## SUBPART B: RULEMAKING

## Section

- 2250.110 Applicability
- 2250.120 Initiation of Rulemaking Proceedings
- 2250.130 Public Participation in Rulemaking
- 2250.140 Petitions Seeking Institution of a Rulemaking Proceeding
- 2250.150 Emergency Rules

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Subpart A adopted at 4 Ill. Reg. 19, p. 240, effective April 29, 1980; codified at 5 Ill. Reg. 10873; Subpart B adopted at 2 Ill. Reg. 36, p. 272, effective September 9, 1978; codified at 5 Ill. Reg. 10875; Subpart A recodified from 11 Ill. Adm. Code 202 and Subpart B recodified from 11 Ill. Adm. Code 203 at 8 Ill. Reg. 16342; repealed at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: PUBLIC INFORMATION

## Section 2250.5 Introduction

In accordance with Section 4.01 of the Administrative Procedure Act, the Illinois Racing Board promulgates the following rules setting forth the procedures for obtaining information or submitting requests about subjects or activities of the agency.

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED REPEALER

**Section 2250.10 Location of Records**

All records required by law to be filed with the Illinois Racing Board are open for public inspection and may be examined during regular business hours at the Chicago office. The office is located at 160 North LaSalle Street, Chicago, 60601.

**Section 2250.20 Addressing of Requests for Information**

All requests for information from the public, except inquiries regarding matters of a legal nature or Board personnel, should be directed to the Board's special projects coordinator. If the information is not readily available, the special projects coordinator will forward the request to the division which has primary responsibility for the records or information. Legal matters should be addressed to the Board's counsel. Questions about Board personnel should be addressed to the Personnel officer.

**Section 2250.30 Identification of Requests for Information**

All requests for information should be sufficiently identified to enable agency personnel to locate such records with a reasonable amount of effort. If a request does not reasonably describe the records in question, the person requesting the information will be given an opportunity to confer with office personnel to reformulate the request.

**Section 2250.40 Notification to Requestor in Cases Where Information, etc. Not Readily Available**

If the requested information or copies of the records are not readily available or it is burdensome to provide copies of the records or information, the person requesting the information will be notified as to when the records will be available or where the information may be copied.

**Section 2250.50 Records Not Available for Inspection**

The following records and information are not available for copying or inspection:

- a) Information records which are prohibited from disclosure by common law or by statute.
- b) Investigatory records compiled for law enforcement purposes by law enforcement agencies.
- c) Inter-agency or intra-agency memoranda, files or letters which would not be available by law to a party, other than one in litigation with the agency.
- d) Memoranda related solely to the internal personnel rules and practices of the agency.
- e) Personnel files or any other files, the disclosure of which would constitute an invasion of personal privacy.

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED REPEALER

- f) Occupation license applications, unless information requests are put in writing or are made by racing officials in this or other jurisdictions.
- g) Copies of "management letters" from accountants to organization licensees.

**Section 2250.60 Lost or Destroyed Records**

Records or information which cannot be located or are known to have been destroyed or otherwise disposed of cannot be copied or inspected.

**Section 2250.70 Review of Denied Requests**

If a request for information or inspection of records is denied by the head of a division or the special projects coordinator, the person making the request may ask the Board's Executive Secretary to personally review the denial. The request for review should be in writing and should specify clearly the nature of the request and the reason why the denial should be reversed.

## SUBPART B: RULEMAKING

**Section 2250.110 Applicability**

- a) These rules apply to all actions of the Board adopting, amending or repealing rules.
- b) Rules are defined as statements of general applicability that implement, apply, interpret, or prescribe law or policy.

**Section 2250.120 Initiation of Rulemaking Proceedings**

The Board shall initiate rulemaking proceedings by publication of a notice in the Illinois Register not less than 45 days prior to its intended action. Notices published pursuant to this rule shall contain the following information:

- a) The text of the proposed rule and any provision to be adopted, amended, or repealed.
- b) The Statutory or other authority for the Board's action.
- c) A description of the subject and issues of the proposed rule.
- d) A specification of the time, place, and manner for submission of views and comments.

**Section 2250.130 Public Participation in Rulemaking**

- a) Interested parties must notify the Board in writing within 14 days of publication of a proposed rule of their intention to submit data, views, arguments, or comments.
- b) Requests to submit comments upon a proposed rule should be addressed to Secretary and must be received at the Board's principal office



## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED REPEALER

- within 14 days of publication of the rule in the Illinois Register.
- c) The time for filing comments may be extended by a member of the Board or by the Chairman at the request of an interested party.
  - d) The Chairman of the Board may order the submission of views and comments orally at a special or regularly scheduled meeting of the Board, or it may refer the matter to a standing committee which shall conduct a public hearing at which interested parties may submit evidence or express their views on the proposed rule, or to an ad hoc committee appointed by the Chairman, or to a single Board member designated by the Chairman.
  - e) The Board shall consider all data, views, arguments, and comments submitted by interested parties.

**Section 2250.140 Petitions Seeking Institution of a Rulemaking Proceeding**

- a) Any person may petition the Board requesting institution of a proceeding to adopt, amend or repeal a rule.
- b) Ten copies of such petitions shall be submitted to the Secretary at the Board's principal office.
- c) Petitions shall contain the following information:
  - 1) The name and address of the person submitting the petition.
  - 2) A statement of the rule proposed for adoption.
  - 3) Specific reference to any rules which the petitioner seeks to have amended or repealed.
  - 4) Specific reference to any existing rules that are inconsistent with the proposed rule.
  - 5) The statutory authority for the proposal.
  - 6) A brief statement of facts and arguments in support of the proposed rule.
  - 7) Identification of any person adversely affected by the proposed rule.
- d) No reply to a petition seeking institution of a rulemaking proceeding may be filed.
- e) Whether a proceeding shall be instituted as requested is within the discretion of the Board and its ruling on the petition will be final.

**Section 2250.150 Emergency Rules**

- a) If the Board finds that an emergency, reasonably constituting a threat to the public interest, safety or welfare requires adoption of a rule upon fewer than 45 days notice, it shall:
  - 1) Specify in writing its reason justifying the promulgation of an emergency rule.
  - 2) Allow notice and hearing to the extent practicable.
  - 3) Take reasonable measures to notify affected persons of the adoption of the rule.
  - 4) Indicate whether the rule is to become effective immediately or on a specified date less than 10 days after the Board finds that

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED REPEALER

- b) Emergency rules shall not remain in effect for more than 150 days.
  - an emergency exists.

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Race Track Improvement Fund

2) Code Citation: 11 Ill. Adm. Code 404

3) Section Numbers: 404.20  
Proposed Action:  
Amendment

4) Statutory Authority: 230 ILCS 5/9(b)

5) A Complete Description of the Subjects and Issues Involved: This proposal establishes additional information to be included in an application for RTIF project approval. This proposal requires a certification be signed by the contractor indicating that he/she made a bid or estimate on a project without knowledge of any competing bids or estimates.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporation by reference? No

9) Are there any other proposed amendments pending in this Part? No

10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this notice, to:

Gina DiCaro  
Illinois Racing Board, Legal Department  
100 West Randolph, Ste. 11-100  
Chicago, Illinois 60601  
(312)814-5070

12) Initial Regulatory Flexibility Analysis:

A) Types of small business affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda which this rulemaking was summarized: This rule was note included on either of the 2 most recent agendas because: The Board did not anticipate this rulemaking at the time those agendas were

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENTS

submitted.

The full text of the proposed amendment begins on the next page:

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER b: RULES APPLICABLE TO ORGANIZATION LICENSEES

## PART 404

RACE TRACK IMPROVEMENT FUND  
AND RELATED RULES

Section	
404.10	Definitions
404.20	Contents of Application
404.30	Application for Project Approval
404.40	Licensed Architect or Engineer
404.50	Payments
404.60	Contents of Request
404.70	Periodic Payments
404.80	Ordinary Repairs and Maintenance
404.90	Amortization of Debt
404.100	Separate Approval
404.110	Disclosure
404.200	Demolition, Construction, Alteration or Addition to Race Track

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 4 Ill. Reg. 29, p. 284, effective July 10, 1980; codified at 5 Ill. Reg. 10884; amended at 13 Ill. Reg. 7440, effective April 21, 1989; amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 404.20 Contents of Application

Applications shall contain at least the following information:

- a) name of organization licensee and race track;
- b) details of the proposed project and the estimated costs;
- c) copies of all contracts or written estimates in connection with such projects which shall include a certification by the contractor that all bids and/or estimates were submitted without the knowledge of any competing bids or estimates;
- d) a description of actual or proposed financing, including copies of all documents;
- e) where appropriate, a payment schedule supported by a work schedule; and
- f) A statement by an officer or director, under oath, setting forth at least three competitive bids submitted to the applicant for the project for which approval is sought, and copies of such bids. If three bids have not been obtained the statement must set forth the reasons why three bids could not be obtained.

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)



## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED RULES

1) Heading of the Part: Rulemaking2) Code Citation: 11 Ill. Adm. Code 201

3) <u>Section Numbers:</u>	<u>Proposed Action:</u>
201.10	New Section
201.20	New Section
201.30	New Section
201.40	New Section

4) Statutory Authority: 230 ILCS 5/9(b)5) A Complete Description of the Subjects and Issues Involved: This rulemaking reorganizes the Board's current rules found in Part 2250. The proposed rules contain provisions for the initiation of rulemaking, public participation, petitions for rulemaking and emergency rulemaking.6) Will these proposed rules replace emergency rules currently in effect? No7) Does this rulemaking contain an automatic repeal date? No8) Do these proposed rules contain incorporation by reference? No9) Are there any other proposed rules pending in this Part? No10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this notice, to:

Gina DiCaro  
Illinois Racing Board  
Legal Department  
100 West Randolph, Ste. 11-100  
Chicago, Illinois 60601  
312/814-5070

12) Initial Regulatory Flexibility Analysis:A) Types of small business affected: NoneB) Reporting, bookkeeping or other procedures required for compliance:  
NoneC) Types of professional skills necessary for compliance: None

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED RULES

13) Regulatory Agenda which this rulemaking was summarized: January 1996The full text of the proposed rules begins on the next page:

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED RULES

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY  
 SUBTITLE B: HORSE RACING  
 CHAPTER I: ILLINOIS RACING BOARD  
 SUBCHAPTER a: GENERAL RULES

PART 201  
 RULEMAKING

## Section

- 201.10 Initiation of Rulemaking Proceedings
- 201.20 Public Participation in Rulemaking
- 201.30 Petitions to Initiate Rulemaking
- 201.40 Emergency Rulemaking

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 201.10 Initiation of Rulemaking Proceedings

The Board shall initiate rulemaking proceedings by publication of a notice in the Illinois Register not less than 45 days prior to its intended action. Notices published pursuant to this Part shall contain the following information:

- a) The text of the proposed rulemaking and any provision to be adopted, amended, or repealed.
- b) The statutory or other authority for the Board's action.
- c) A description of the subject and issues of the proposed rulemaking.
- d) A specification of the time and place for and manner of submission of views and comments.

## Section 201.20 Public Participation in Rulemaking

- a) Interested parties shall notify the Board in writing within 45 days after publication of a proposed rulemaking of their intention to submit data, views, arguments, or comments.
- b) Requests to submit comments upon a proposed rulemaking should be addressed to Administrative Rules Coordinator and must be received at the Board's principal office within 45 days after publication of the rulemaking in the Illinois Register.
- c) The time for filing comments may be extended by a member of the Board or by the Chairman.
- d) The Chairman of the Board may order the submission of views and comments orally at a special or regularly scheduled meeting of the Board, or he/she may refer the matter to:

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED RULES

- 1) a standing committee which shall conduct a public hearing at which interested parties may submit evidence or express their views on the proposed rulemaking;
  - 2) a committee appointed by the Chairman;
  - 3) a single Board member designated by the Chairman.
- The Board shall consider all data, views, arguments, and comments submitted by interested parties.

## Section 201.30 Petitions to Initiate Rulemaking

- a) Any person may petition the Board requesting institution of a proceeding to adopt, amend or repeal a rule.
- b) Ten copies of such petitions shall be submitted to the Executive Director at the Board's central office.
- c) Petitions shall contain the following information:
  - 1) The name and address of the person submitting the petition.
  - 2) A statement of the rule proposed for adoption.
  - 3) Specific reference to any rules which the petitioner seeks to have amended or repealed.
  - 4) Specific reference to any existing rules that are inconsistent with the proposed rulemaking.
  - 5) The statutory authority for the proposal.
  - 6) A brief statement of facts and arguments in support of the proposed rulemaking.
  - 7) Identification of any person adversely affected by the proposed rulemaking.
- d) No reply to a petition seeking institution of a rulemaking proceeding may be filed.
- e) Whether a proceeding shall be instituted as requested is within the discretion of the Board and its ruling on the petition will be final.

## Section 201.40 Emergency Rulemaking

- a) If the Board finds that an emergency, reasonably constituting a threat to the public interest, safety or welfare requires adoption of a rulemaking upon fewer than 45 days notice, it shall:
  - 1) Specify in writing its reason justifying the promulgation of an emergency rulemaking.
  - 2) Allow notice and hearing to the extent practicable.
  - 3) Take reasonable measures to notify affected persons of the adoption of the rulemaking.
  - 4) Indicate whether the rulemaking is to become effective immediately or on a specified date less than 10 days after the Board finds that an emergency exists.
- b) Emergency rulemakings shall not remain in effect for more than 150 days.

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Confidentiality of Information

2) Code Citation: 89 Ill. Adm. Code 505

3) Section Numbers: 505.10  
Proposed Action: Amendments

4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3] and authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16].

5) A. Complete Description of the Subjects and Issues Involved: Clarifies that DORS staff will ensure the confidentiality of customer information and maintain the integrity of customer case files. Also, clarifies that only DORS staff who have a specific need to see customer information shall have access.

6) Will this rulemaking replace any emergency rulemaking currently in effect?  
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This is not applicable to this Rulemaking.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Warner, Manager  
Regulations and Procedures Division  
Department of Rehabilitation Services  
P.O. Box 19429  
Springfield, IL 62794-9429  
(217) 785-3896  
TTY: (217) 785-9301

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED AMENDMENT

corporations affected: n/a

B) Reporting, bookkeeping or other procedures required for compliance: n/a

C) Types of professional skills necessary for compliance: n/a

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This rulemaking was not anticipated and therefore was not listed on a recent Regulatory Agenda.

The full text of the Proposed Amendment begins on the next page:



## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES  
 CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES  
 SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

## PART 505

## CONFIDENTIALITY OF INFORMATION

Section	
505.5	Definitions
505.10	General
505.20	Definitions (Renumbered)
505.30	Ownership of Records
505.40	Release of Confidential Information without the Consent of the Customer
505.50	Release of Confidential Information with the Consent of the Customer
505.60	Procedures
505.70	Subpoenas
505.80	Additional Rules

**AUTHORITY:** Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3] and Social Security Regulations (20 CFR 401 (1992)) and authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16].

**SOURCE:** Adopted at 7 Ill. Reg. 5247, effective April 1, 1983; amended at 8 Ill. Reg. 15493, effective August 15, 1984; amended at 9 Ill. Reg. 16971, effective October 16, 1985; amended at 11 Ill. Reg. 9952, effective May 8, 1987; amended at 15 Ill. Reg. 7728, effective May 7, 1991; amended at 17 Ill. Reg. 9964, effective June 22, 1993; amended at 19 Ill. Reg. 14821, effective October 5, 1995; amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 505.10 General**

a) DORS through its facilities and various offices, shall maintain records on all customers. All records shall be of a confidential nature and shall not be made available to the general public. DORS staff at all levels must ensure the confidentiality of all customer information and the integrity of the case record. Only DORS staff who have specific need to review confidential customer information shall have access to such case records.

b) Except as required or allowed in this Part, no confidential information obtained concerning customers may be disclosed without the consent of that individual. If the information concerns a minor, the consent of a parent or a guardian must also be obtained. After a person has reached the age of 18 years, the records of that individual may be disclosed only with the consent of that individual, or, if one has been appointed, the guardian of the person of an adult.

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED AMENDMENT

- c) Except as provided in this Part, each customer who has reached 12 years of age, a parent of a minor customer, or a guardian or duly authorized representative of a customer shall have full access to the confidential information contained in the customer's record.
- d) All customers, representatives, service providers, cooperating agencies, and interested persons shall be informed of the confidentiality of personal information and the conditions for accessing and releasing this information.
- e) All customers and their representatives must be informed about DORS' need to collect personal information and the policies governing its use. DORS shall inform customers of the following:
- 1) the authority under which information is collected;
  - 2) the principal purposes for which DORS intends to use or release the information;
  - 3) whether the customer's provision of the information is mandatory or voluntary and the effects of not providing requested information to DORS;
  - 4) those situations where DORS requires or does not require informed written consent of the customer before information may be released; and
  - 5) other agencies to which information is routinely released and the types of information so released.
- f) All explanations to customers and their representatives about State policies and procedures affecting confidential information must be in the customer's primary language and must be through appropriate modes of communication for those individuals who rely on special modes of communication, including Braille.
- g) Any person entitled to access customer files (as set forth in Section 505.50 of this Part) may inspect those files and request modification of any part of the record which he or she believes is misleading. If such a request is refused, the customer is entitled to submit a written rebuttal to such records and submit the rebuttal for incorporation as a permanent part of the record. Whenever the disputed part of the record is disclosed, the rebuttal shall accompany the disclosed part.
- h) Information in case records received from, or developed for, the Social Security Administration (SSA) shall be controlled by its regulations governing confidentiality (20 CFR 401 (1992)). Such information in the records of DORS' Bureau of Disability Determination Services shall be available to the other sections of DORS in connection with the delivery of services to a customer. However, should such information be sought by a customer, the inquiry shall be directed to the originating source of the information or the SSA. However, by federal law, a Member of Congress has a right to receive this information upon request.
- i) This Part shall not apply to the educational records maintained by any of DORS' facilities. Such records are subject to the Illinois School Student Records Act [105 ILCS 10] and any regulations thereunder.

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED AMENDMENT

Other DORS records received and maintained by the facilities operated by DORS shall not be commingled with the educational records and shall be governed by this Part.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT ON AGING

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Community Care Program
  - 2) Code Citation: 89 Ill. Adm. Code 240
  - 3) Section Numbers: Adopted Action:  
240.230 Amendment  
240.870 Amendment  
240.1940 Amendment  
240.1950 Amendment
  - 4) Statutory Authority: 20 ILCS 105/4.01 (11) and 5.02.
  - 5) Effective Date of Amendment(s): January 10, 1997
  - 6) Does this rulemaking contain an automatic repeal date? No
  - 7) Does this amendment contain incorporations by reference? Yes
  - 8) Date Filed in Agency's Principal Office: January 7, 1997
  - 9) Notice of Proposal Published in Illinois Register: May 17, 1996: 20 Ill. Reg. 6613
  - 10) Has JCAR issued a Statement of Objections to this amendment(s)? No
  - 11) Difference(s) between proposal and final version: The following reflects the substantive changes:  
Section 240.230 (a)(5) further clarification of the "10th Edition, 1989" has been added.  
Section 240.230 (c)(1), "and/or (b)" following "(7)" has been deleted.
  - 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
  - 13) Will this amendment replace an emergency amendment currently in effect?  
No
  - 14) Are there any proposed amendments pending on this Part? Yes
- | Section Numbers | Proposed Action | Illinois Register Citation            |
|-----------------|-----------------|---------------------------------------|
| 240.728         | Amendment       | October 18, 1996 (20 Ill. Reg. 13463) |
| 240.729         | Amendment       | October 18, 1996 (20 Ill. Reg. 13463) |
- 15) Summary and Purpose of Amendment(s): The purpose of the rulemaking is to amend the above cited rules to define a unit of adult day care service

## DEPARTMENT ON AGING

## NOTICE OF ADOPTED AMENDMENTS

from a minimum of five direct client contact hours to one direct client contact hour provided to a client. The new definition will allow adult day care providers to bill by service hour, rather than by day. It will also increase accountability, make adult day care billings comparable to homemaker billings and clarify the costs of the service to clients/clients' families.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Ms. Pamela W. Balmer, Assistant  
Office of General Counsel  
Illinois Department on Aging  
421 East Capitol Avenue #100  
Springfield, IL 62701-1789  
(217) 785-3346

The full text of the Adopted Amendment(s) begins on the next page:

## DEPARTMENT ON AGING

## NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER II: DEPARTMENT ON AGING

PART 240  
COMMUNITY CARE PROGRAM

## SUBPART A: GENERAL PROGRAM PROVISIONS

Section	
240.100	Community Care Program
240.110	Department Prerogative
240.120	Services Provided
240.130	Maintenance of Effort
240.140	Program Limitations
240.150	Completed Applications Prior to August 1, 1982 (Repealed)
240.160	Definitions

## SUBPART B: SERVICE DEFINITIONS

Section	
240.210	Homemaker Service
240.220	Chore-Housekeeping Service (Repealed)
240.230	Adult Day Care Service
240.240	Information and Referral
240.250	Demonstration/Research Projects
240.260	Case Management Service
240.270	Alternative Provider
240.280	Individual Provider

## SUBPART C: RIGHTS AND RESPONSIBILITIES

Section	
240.300	Applicant/Client Rights and Responsibilities
240.310	Right to Apply
240.320	Nondiscrimination
240.330	Freedom of Choice
240.340	Confidentiality/Safeguarding of Case Information
240.350	Applicant/Client/Authorized Representative Cooperation
240.360	Reporting Changes
240.370	Voluntary Repayment

## SUBPART D: APPEALS

Section	
240.400	Appeals and Fair Hearings
240.405	Representation
240.410	When the Appeal May Be Filed
240.415	What May Be Appealed



## DEPARTMENT ON AGING

## NOTICE OF ADOPTED AMENDMENTS

240.420 Group Appeals  
 240.425 Informal Review  
 240.430 Informal Review Findings  
 240.435 Withdrawing an Appeal  
 240.436 Cancelling an Appeal  
 240.440 Examining Department Records  
 240.445 Hearing Officer  
 240.450 The Hearing  
 240.451 Conduct of Hearing  
 240.455 Continuance of the Hearing  
 240.460 Postponement  
 240.465 Dismissal Due to Non-Appealance  
 240.470 Rescheduling the Appeal Hearing  
 240.475 Recommendations of Hearing Officer  
 240.480 The Appeal Decision  
 240.485 Reviewing the Official Report of the Hearing

## SUBPART E: APPLICATION

Section  
 240.510 Application for Community Care Program  
 240.520 Who May Make Application  
 240.530 Date of Application  
 240.540 Statement to be Included on Application

## SUBPART F: ELIGIBILITY

Section  
 240.600 Eligibility Requirements  
 240.610 Establishing Eligibility  
 240.620 Home Visit  
 240.630 Determination of Eligibility  
 240.640 Eligibility Decision  
 240.650 Continuous Eligibility  
 240.655 Frequency of Redeterminations  
 240.660 Extension of Time Limit

## SUBPART G: NON-FINANCIAL REQUIREMENTS

Section  
 240.710 Age  
 240.715 Determination of Need  
 240.720 Clients Prior to Effective Date of This Section (Repealed)  
 240.725 Clients After Effective Date of This Section (Repealed)  
 240.726 Emergency Budget Act Reduction (Repealed)  
 240.727 Minimum Score Requirements  
 240.728 Maximum Payment Levels for Service  
 240.729 Maximum Payment Levels for Adult Day Care Service

## DEPARTMENT ON AGING

## NOTICE OF ADOPTED AMENDMENTS

240.730 Plan of Care  
 240.735 Supplemental Information  
 240.740 Assessment of Need  
 240.750 Citizenship  
 240.755 Residence  
 250.760 Furnishing of Social Security Number

## SUBPART H: FINANCIAL REQUIREMENTS

Section  
 240.800 Financial Factors  
 240.810 Assets  
 240.815 Exempt Assets  
 240.820 Asset Transfers  
 240.825 Income  
 240.830 Unearned Income Exemptions  
 240.835 Earned Income  
 240.840 Potential Retirement, Disability and Other Benefits  
 240.845 Family  
 240.850 Monthly Average Income  
 240.855 Applicant/Client Expense for Care  
 240.860 Change in Income  
 240.865 Application For Medical Assistance (Medicaid)  
 240.870 Determination of Applicant/Client Monthly Expense for Care  
 240.875 Client Responsibility

## SUBPART I: DISPOSITION OF DETERMINATION

Section  
 240.905 Prohibition of Institutionalized Individuals From Receiving Community Care Program Services  
 240.910 Written Notification  
 240.915 Service Provision  
 240.920 Reasons for Denial  
 240.925 Frequency of Redeterminations (Renumbered)  
 240.930 Suspension of Services  
 240.935 Discontinuance of Services to Clients  
 240.940 Penalty Payments  
 240.945 Notification  
 240.950 Reasons for Termination  
 240.955 Reasons for Reduction or Change

## SUBPART J: SPECIAL SERVICES

Section  
 240.1010 Nursing Home Prescreening  
 240.1020 Interim Services  
 240.1040 Intense Service Provision

## DEPARTMENT ON AGING

## NOTICE OF ADOPTED AMENDMENTS

Temporary Service Increase

## SUBPART K: TRANSFERS

Section 240.1110	Individual Transfer Request - Vendor to Vendor - No Change in Service
240.1120	Individual Transfer Request - Vendor to Vendor - With Change in Service
240.1130	Individual Transfers - Case Coordination Unit to Case Coordination Unit
240.1140	Transfer of Pending Applications
240.1150	Interagency Transfers
240.1160	Temporary Transfers - Case Coordination Unit to Case Coordination Unit
240.1170	Caseload Transfer - Vendor to Vendor
240.1180	Caseload Transfer - Case Coordination Unit to Case Coordination Unit

## SUBPART L: ADMINISTRATIVE SERVICE CONTRACT

Section 240.1210	Administrative Service Contract
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## SUBPART M: CASE COORDINATION UNITS AND VENDORS

Section 240.1310	Standard Contractual Requirements for Case Coordination Units and Vendors
240.1320	Vendor or Case Coordination Unit Fraud/Illegal or Criminal Acts
240.1330	General Vendor and CCU Responsibilities (Repealed)
240.1396	Payment for Services (Repealed)
240.1397	Purchases and Contracts (Repealed)
240.1398	Safeguarding Case Information (Repealed)
240.1399	Suspension/Termination of a Vendor or Case Coordination Unit (CCU)

## SUBPART N: CASE COORDINATION UNITS

Section 240.1400	Community Care Program Case Management
240.1410	Case Coordination Unit Administrative Minimum Standards
240.1420	Case Coordination Unit Responsibilities
240.1430	Case Management Staff Positions, Qualifications and Responsibilities
240.1440	Training Requirements For Case Management Supervisors and Case Managers

## SUBPART O: PROVIDERS

Section

## DEPARTMENT ON AGING

## NOTICE OF ADOPTED AMENDMENTS

240.1510	Provider Administrative Minimum Standards
240.1520	Provider Responsibilities
240.1530	General Homemaker Staffing Requirements
240.1535	Homemaker Staff Positions, Qualifications and Responsibilities
240.1540	General Chore-Housekeeping Staffing Requirements (Repealed)
240.1545	Chore-Housekeeping Staff Positions, Qualifications and Responsibilities (Repealed)
240.1550	Standard Requirements for Adult Day Care Providers
240.1555	General Adult Day Care Staffing Requirements
240.1560	Adult Day Care Staff Qualifications
240.1565	Adult Day Care Satellite Sites
240.1570	Service Availability Expansion
240.1575	Adult Day Care Site Relocation
240.1580	Standards for Alternative Providers
240.1590	Standard Requirements for Individual Provider Services

## SUBPART P: PROVIDER PROCUREMENT

Section 240.1600	Provider Contract
240.1605	Procuring Provider Services
240.1610	Procurement Cycle for Provider Services
240.1620	Issuance of Provider Proposal and Guidelines
240.1625	Content of Provider Proposal and Guidelines
240.1630	Criteria for Number of Provider Contracts Awarded
240.1635	Evaluation of Provider Proposals
240.1640	Determination and Notification of Provider Awards
240.1645	Objection to Procurement Action Determination
240.1650	Classification of Provider Service Violations
240.1655	Method of Identification of Provider Service Violations
240.1660	Compliance Reviews of Contracted Provider Agencies
240.1661	Provider Right to Appeal
240.1665	Contract Actions for Failure to Comply with Community Care Program Requirements

## SUBPART Q: CASE COORDINATION UNIT PROCUREMENT

Section 240.1710	Procurement Cycle For Case Management Services
240.1720	Case Coordination Unit Compliance Review

## SUBPART R: ADVISORY COMMITTEE

Section 240.1800	Community Care Program (CCP) Advisory Committee
240.1850	Technical Rate Review Advisory Committee (Repealed)

## SUBPART S: RATES

## DEPARTMENT ON AGING

## NOTICE OF ADOPTED AMENDMENTS

Section  
 240.1910 Establishment of Fixed Unit Rates  
 240.1920 Contract Specific Variations  
 240.1930 Fixed Unit Rate of Reimbursement for Homemaker Service  
 240.1940 Fixed Unit Rates of Reimbursement for Adult Day Care Service and Transportation  
 240.1950 Adult Day Care Fixed Unit Reimbursement Rates  
 240.1960 Case Management Fixed Unit Reimbursement Rates

## SUBPART T: FINANCIAL REPORTING

Section  
 240.2020 Financial Reporting of Homemaker Service  
 240.2030 Unallowable Costs for Homemaker Service  
 240.2040 Minimum Direct Service Worker Costs for Homemaker Service  
 240.2050 Cost Categories for Homemaker Service

AUTHORITY: Implementing Section 4.02 and authorized by Section 4.01(1) of the Illinois Act on the Aging [20 ILCS 105/4.02 and 4.01(1)].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 1, p. 67, effective December 20, 1979, for a maximum of 150 days; adopted at 4 Ill. Reg. 17, p. 151, effective April 25, 1980; amended at 4 Ill. Reg. 43, p. 86, effective October 15, 1980; emergency amendments at 5 Ill. Reg. 1900, effective February 18, 1981, for a maximum of 150 days; amended at 5 Ill. Reg. 12090, effective October 26, 1981; emergency amendments at 6 Ill. Reg. 8455, effective July 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 14953, effective December 1, 1982; amended at 7 Ill. Reg. 8697, effective July 20, 1983; codified at 8 Ill. Reg. 2633; amended at 9 Ill. Reg. 1739, effective January 29, 1985; amended at 9 Ill. Reg. 10208, effective July 1, 1985; emergency amendments at 9 Ill. Reg. 14011, effective August 29, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 5076, effective March 15, 1986; recodified at 12 Ill. Reg. 7980; amended at 13 Ill. Reg. 11193, effective July 1, 1989; emergency amendments at 13 Ill. Reg. 13638, effective August 18, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17327, effective November 1, 1989; amended at 14 Ill. Reg. 1233, effective January 12, 1990; amended at 14 Ill. Reg. 10732, effective July 1, 1990; emergency amendments at 15 Ill. Reg. 2838, effective February 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 10351, effective July 1, 1991; emergency amendments at 15 Ill. Reg. 14593, effective October 1, 1991, for a maximum of 150 days; emergency amendments at 15 Ill. Reg. 17398, effective November 15, 1991, for a maximum of 150 days; emergency amendments suspended at 16 Ill. Reg. 1744; emergency amendments modified in response to a suspension by the Joint Committee on Administrative Rules and reinstated at 16 Ill. Reg. 2943; amended at 15 Ill. Reg. 18568, effective December 13, 1991; emergency amendments at 16 Ill. Reg. 2630, effective February 1, 1992, for a maximum of 150 days; emergency amendments at 16 Ill. Reg. 2901, effective February 6, 1992, to expire June 30, 1992; emergency amendments at 16 Ill. Reg. 4069, effective February 28, 1992, to

## DEPARTMENT ON AGING

## NOTICE OF ADOPTED AMENDMENTS

expire June 30, 1992; amended at 16 Ill. Reg. 11403, effective June 30, 1992; emergency amendments at 16 Ill. Reg. 11625, effective July 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 11731, effective June 30, 1992; emergency rule added at 16 Ill. Reg. 12615, effective July 23, 1992, for a maximum of 150 days; modified at 16 Ill. Reg. 16680; amended at 16 Ill. Reg. 14565, effective September 8, 1992; amended at 16 Ill. Reg. 18767, effective November 27, 1992; amended at 17 Ill. Reg. 224, effective December 29, 1992; amended at 17 Ill. Reg. 6090, effective April 7, 1993; amended at 18 Ill. Reg. 609, effective February 1, 1994; emergency amendment at 18 Ill. Reg. 5348, effective March 22, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 13375, effective August 19, 1994; amended at 19 Ill. Reg. 9085, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10186, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12693, effective August 25, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16031, effective November 20, 1995; amended at 19 Ill. Reg. 16523, effective December 1, 1995; amended at 20 Ill. Reg. 1493, effective January 10, 1996; emergency amendment at 20 Ill. Reg. 5388, effective March 22, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 8995, effective July 1, 1996; amended at 21 Ill. Reg. 10597, effective August 1, 1996; amended at 21 Ill. Reg. 12693, effective JAN 14.

## SUBPART B: SERVICE DEFINITIONS

## Section 240.230 Adult Day Care Service

Adult Day Care service is the direct care and supervision of adults aged 60 and over in a community-based setting for the purpose of providing personal attention; and promoting social, physical and emotional well-being in a structured setting.

## a) Required Service Components

- 1) Provide/arrange for transportation, with at least one vehicle handicapped accessible, to enable clients to attend the adult day care center and participate in sponsored outings.
- 2) Development of a written individualized adult day care plan of care which establishes specific goals and service components to be addressed and provided in the adult day care setting. The individualized plan of care is to be established within the fourth ~~(4th)~~ week of service by the adult day care team consisting of Program Coordinator/Director and Program Nurse, and may include other staff at the option of the Program Coordinator/Director. The individualized plan of care will address the needs identified by the Case Coordination Unit (CCU) and established in the Client Agreement - Plan of Care prepared by the CCU and approved by the client's Physician/Nurse Practitioner/Registered Nurse/Christian Science Practitioner in accordance with Section 240.730. The client/authorized representative/family member will be consulted and advised of the establishment of the individualized plan of care. Activities



## DEPARTMENT ON AGING

## NOTICE OF ADOPTED AMENDMENTS

specified, which have been delineated in this Section as service components, will be included in the individualized plan of care. The individualized plan of care may be modified to reflect any change in the client's condition.

- 3) Nursing services, provided by the Program Nurse, including evaluation of the client's needs, routine health monitoring and supervision/administration of medication(s).
- 4) Assistance as needed with activities of daily living (e.g., walking, eating, toileting and personal care).
- 5) A daily meal meeting one-third (1/3) of the adult "Recommended Daily Dietary Allowances" established by the Food and Nutrition Board of the National Research Council - National Academy of Sciences, 10th Edition, 1989 9th Rev. Edition, 1980.
- Supplementary nutritious snacks shall also be provided. Special diets shall be provided as directed by the client's physician.
- 6) An activity program including: reality orientation (activities designed to promote the client's awareness of time, space, objects and persons); resocialization and stimulation (activities to encourage and assist clients to interact with staff and other clients); and supportive counseling (active listening, attention to expressed client's needs and suggestions, and guidance to promote interactions with others).
- 7) Rest periods when needed or prescribed.
- 8) Maintenance of the client's individual case record in adult day care files as required by Sections 240.340 and 240.1520.

## b) Optional Service Components

- 1) Rehabilitative services, including physical therapy, occupational therapy, speech and hearing therapy. Personnel qualified to provide these services are adult day care staff who are licensed professionals. These services are to be provided under written direction, instruction or order of the client's physician. Each treatment and monthly progress notes must be recorded.
  - 2) Skilled nursing services, including catheter installation, irrigations and care, dressings, enemas, oxygen therapy, suction/posturing, ostomy care and restorative nursing such as bladder retraining. (All above procedures/interventions require physician orders and shall be performed by a Registered Nurse.)
  - 3) Shopping assistance.
  - 4) Escort to medical and social services.
- AGENCY NOTE: Reimbursement for costs of optional services is not included in the unit rate paid by the Department and will not be paid by the Department.

## c) Unit of Service

- 1) One unit of adult day care service is defined, at a minimum, as one five--(5) direct client contact hour hours (excluding transportation time) provided to a client. A direct client contact hour is defined as 60 consecutive minutes of active programming, i.e., providing one or a combination of the service

## DEPARTMENT ON AGING

## NOTICE OF ADOPTED AMENDMENTS

components listed in subsections (a)(3) through (7). The Community-Care-Program-will-not-reimburse-for-more-than-one-(1) unit-of-adult-day-care-service-in-a-twenty-four-(24)-hour-period.

- 2) One unit of documented adult day care transportation, provided by the adult day care provider vendor, is defined as a one-way trip per client to or from the adult day care site and the client's home. No more than two units of transportation shall be provided per client in a twenty-four-(24) hour period, and shall not include trips to a physician, shopping, or other miscellaneous trips.

- 3) For services (including transportation, if specified in the plan of care) which the provider vendor was unable to provide due to the client's absence without prior notification (see Section 240.350), the provider shall be reimbursed as follows: one-half (1/2) unit of documented-adult-day-care-service-per-occurrence based-upon-the-vendor's-contractual-rate-structure-will-be-reimbursed-to-the-vendor-to-a-maximum-of-one-(1)-unit-per-client-per-State-fiscal-year.

A) Two and one half units of documented adult day care service per occurrence to a maximum of five units per client per State fiscal year.

- B) One unit of documented adult day care transportation, provided by the adult day care provider, per occurrence to a maximum of two units per client per State fiscal year.

- 4) Those-addit-day-care-contract-specific-entities-whor-upon adoption-of-rules-have-retained-the-adult-day-care-unit-rate structure-which-has-transportation-as-a-component-of-the-adult day-care-service-will-retain-this-service-and-rate-structure.
- 4)5) Refer to Section 240.1950.

(Source: Amended at 21 Ill. Reg. 887-3, effective JAN 14 1991)

## SUBPART H: FINANCIAL REQUIREMENTS

## Section 240.870 Determination of Applicant/Client Monthly Expense for Care

The amount of the expense which will be incurred monthly for Community Care Program (CCP) services by the eligible applicant/client shall be determined in the following manner:

- a) Calculate available income by:
  - 1) determining applicant/client/family total monthly non-exempt income, and
  - 2) deducting the protected income, which is based upon the effective federal poverty level and the number of persons in the family.
- b) Determine the applicant's/client's monthly cost for care by multiplying the units of service(s) provided each month to the applicant/client by the following client fixed fee share rates:

## DEPARTMENT ON AGING

## NOTICE OF ADOPTED AMENDMENTS

Homemaker -- \$5.30 per unit

Adult Day Care -- \$3.50 \$40-50 per unit

c) Select the appropriate CCP Fee Schedule, based upon:

- 1) the number of persons in the family who are receiving CCP services; and
- 2) a score of 56 or fewer total points or a score of 57 or more total points on the Determination of Need.

If two 2 or more members of a family are receiving CCP services, the selection of the appropriate Fee Schedule will be based upon the highest point count scored.

d) Use the available income and the applicant's/client's monthly cost for care with the appropriate Fee Schedule to determine the amount of applicant/client expense which will be incurred monthly for CCP services.

(Source: Amended at 21 Ill. Reg. 887, effective JAN 10 1987)

## SUBPART S: RATES

## Section 240.1940 Fixed Unit Rates of Reimbursement for Adult Day Care Service and Transportation

a) The Department will establish fixed unit rates of reimbursement for adult day care and transportation service as defined in Section 240.230. The fixed unit rates of reimbursement will be published in the official State newspaper.

b) The above cited fixed unit rate for adult day care and transportation services does not apply to those adult day care contract specific entities who, before or upon adoption of rule, have retained the adult day care unit rate structure which has transportation as a component of the adult day care service. These contract specific entities and this single adult day care rate structure will be authorized by the Department for the above cited entities only. The maximum unit rate will be published in the official State newspaper.

c) Those entities cited in subsection (b) above may, at any time during the contract period, request amendment to adopt the rate structure cited in subsection (a) above. At no time may an adult day care contractor who has either by amendment or request for proposal process, adopted the rate structure in subsection (a) above, revert to the single adult day care rate structure.

d) Upon adoption of rule, all applicants for an adult day care contract with the exception of contract specific entities cited in subsection (b) above, must apply under the fixed unit rate structure as cited in subsection (a) above.

(Source: Amended at 21 Ill. Reg. 887, effective JAN 10 1987)

## DEPARTMENT ON AGING

## NOTICE OF ADOPTED AMENDMENTS

## Section 240.1950 Adult Day Care Fixed Unit Reimbursement Rates

Adult day care providers vendors under contract with the Department shall be uniformly reimbursed for the provision of adult day care service at the rates established by the Department. The reimbursable units of adult day care services shall be as follows:

a) One unit of adult day care service is defined in Section 240.230(c)(1) as one ~~a minimum of five~~ direct client contact hour hours (excluding transportation time) provided to a client.

b) The Community Care Program will not reimburse for more than one unit of adult day care service in a twenty-four (24) hour period.

2) The rate will reflect a rate differential based upon the following:

A) For each adult day care client receiving a Determination of Need (DON) score on Part A, level of impairment, or twenty-four (24) or less points, or

B) For each difficult to serve adult day care client receiving a DON score on Part A, level of impairment, of twenty-five (25) or more points.

b) One unit of documented adult day care transportation provided by the adult day care provider vendor is defined in Section 240.230(c)(2) as a one-way trip per client to or from the adult day care site and the client's home.

1) No more than two (2) units of transportation shall be provided per client in a twenty-four (24) hour period.

2) A unit of transportation shall not include transportation on outings, trips to physicians, shopping or other miscellaneous trips.

c) For the adult day care contract specific entities as cited in Section 240.1940(b), the single rate structure will apply to all service components described in Section 240.230 with no rate differential for the Determination of Need score or transportation as described in subsections (a) (2) (A) and (2) (B) and (b) above.

(Source: Amended at 21 Ill. Reg. 887, effective JAN 10 1987)





## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENTS

effective JAN 1 1987.

**Section 65.90 Holding Temperature**

- a) From the point of candling and grading (including transportation), all eggs designated for human consumption shall be held at a temperature not to exceed 45° F. ambient temperature after processing until they reach the retailer consumer.

~~the 45° F. requirement will begin after the candling and grading and will apply to any place or room in which the eggs are stored. During transportation eggs shall be held in vehicles capable of delivering air at 45° F. ambient temperature. Every effort shall be made to hold the eggs at 45° F. ambient temperature.~~

- b) All shell eggs shall be kept from freezing.  
c) Nest run eggs shall be held at 60° F. or less at all times, including during transportation.

(Source: Amended at 21 Ill. Reg. 900, effective JAN 1 1987.)

**Section 65.160 Minimum Sanitation Requirements for Retailers and Institutional Consumers**

- a) Only new packaging material will be used to sell eggs at retail. This regulation applies to any size container and the packing material used therein.
- b) Display cases in which eggs are offered for sale to consumers must be clean and free from any substances or conditions whereby the eggs could become adulterated through absorption of bacteria or odors which would affect the quality of taste of the eggs.
- c) All storage areas where eggs are held prior to being placed in display cases or other area accessible to consumers must be continuously maintained in a clean and sanitary condition. Eggs will not be stored in the same area with:
- 1) consumer-size containers which have been rejected for damaged eggs,
  - 2) onions, fish, and other strong smelling food items,
  - 3) cleaning compounds, pesticides or any other chemicals of any kind or sort whatsoever.
- d) ~~Upon receipt of eggs it is the responsibility of the retailer or institutional consumer to see that they are placed in a cooler, cold room or display case in which the temperature does not exceed 45° F. at any time during which the eggs are held in the facility. In addition, eggs shall be protected from freezing.~~
- d) Institutional consumers shall not keep shell eggs in the kitchen or cooking area for longer than one hour from the time they are removed from the cooler.
- e) Retailers and institutional consumers should keep their supplies of

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENTS

eggs properly rotated at all times so that the oldest eggs as determined by the candling date on the master containers or consumer-size containers are used first.

f) ~~Consumer-size containers holding damaged eggs whereby the contents are exuding or free to exude through the shell membranes shall be removed from the display area. If such damage results in spillage of egg contents on other cartons or upon the bottom of the display case, the cartons or display case floor must be cleaned within a reasonable time.~~

g) ~~In all storage areas, master containers shall be kept above the floor at all times.~~

(Source: Amended at 21 Ill. Reg. 900, effective JAN 1 1987.)

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of Part: Illinois Pseudorabies Control Act
- 2) Code Citation: 8 Ill. Adm. Code 115
- 3) Section Numbers: Adopted Action:  
 115.10 Amendment  
 115.40 Amendment  
 115.50 Amendment  
 115.60 Repealed  
 115.80 Amendment  
 115.100 Amendment
- 4) Statutory Authority: Illinois Pseudorabies Control Act [510 ILCS 90]
- 5) Effective Date of amendments: January 7, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this proposed amendment contain incorporations by reference? Yes
- 8) Date Filed in Agency's Principal Office: January 6, 1997
- 9) Notices of Proposal Published in Illinois Register: July 12, 1996, 20 Ill. Reg. 8777
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version: Nonsubstantive editorial corrections were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment in effect? No
- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of amendments: Definitions are added in Section 115.10 for official random-sample tests that are used in conjunction with herd qualification.

Sections 115.40 and 115.50 are revised to reflect the requirements under the State-Federal-Industry Program Standards for Pseudorabies Eradication for establishing and maintaining qualified pseudorabies negative and qualified-negative gene-altered vaccinated herds. The testing requirements differ slightly from the state requirements. Guidelines for off-site facilities are added for both herd plans.

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENT

Section 115.60 is being repealed as no one has ever qualified under this plan in the state, and with Illinois achieving Stage III pseudorabies status, monitoring of feeder swine herds is no longer necessary.

Section 115.80 is amended to adopt the current edition of the Program Standards, and Section 115.100 is amended to adopt the current edition of the Code of Federal Regulations.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Name: Debbie Wakefield  
 Address: Illinois Department of Agriculture  
 State Fairgrounds  
 Springfield, Illinois 62794-9281  
 Telephone: 217/785-5713  
 Facsimile: 217/785-4505

The full text of Adopted Amendments begins on the next page:

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENT

TITLE 8: AGRICULTURE AND ANIMALS  
CHAPTER I: DEPARTMENT OF AGRICULTURE  
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS

## (EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

## PART 115

## ILLINOIS PSEUDORABIES CONTROL ACT

## Section

- 115.10 Definitions
- 115.15 Incorporation by Reference
- 115.20 Pseudorabies Quarantines
- 115.30 General Requirements for Qualified Pseudorabies Negative, Negative Gene-Altered Vaccinated and Feeder Swine Pseudorabies Monitored Herds Requirements for Establishing and Maintaining Qualified Pseudorabies Negative Herds
- 115.50 Requirements for Establishing and Maintaining Pseudorabies Qualified-Negative Gene-Altered Vaccinated (QNV) Swine Herds
- 115.60 Requirements for Establishing and Maintaining Feeder Swine Pseudorabies Monitored Herds (Repealed)
- 115.70 Pseudorabies Test Requirements for Intrastate Movement
- 115.80 Pseudorabies Testing of Feeder Swine
- 115.90 Feeder Swine
- 115.100 Breeding Animals Consigned to Slaughter

AUTHORITY: Implementing and authorized by the Illinois Pseudorabies Control Act [510 ILCS 90].

SOURCE: Adopted at 12 Ill. Reg. 3394, effective January 22, 1988; amended at 13 Ill. Reg. 3685, effective March 13, 1989; amended at 14 Ill. Reg. 1935, effective January 19, 1990; amended at 14 Ill. Reg. 5065, effective March 21, 1990; amended at 14 Ill. Reg. 15318, effective September 10, 1990; amended at 16 Ill. Reg. 11781, effective July 8, 1992; emergency amendment at 17 Ill. Reg. 5906, effective March 17, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 14006, effective August 16, 1993; amended at 20 Ill. Reg. 1542, effective January 12, 1996; amended at 21 Ill. Reg. 904, effective JAN 1 1997.

## Section 115.10 Definitions

The definitions for this Part shall be as set forth in the general definitions Section (8 Ill. Adm. Code 20.1). Also, the following definitions shall apply to this Part:

"Act" means the Illinois Pseudorabies Control Act [510 ILCS 90].

"Official random-sample test (95/5)" means a sampling procedure utilizing official pseudorabies serologic tests that provide a 95

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENT

percent probability of detecting infection in a herd in which at least 5 percent of the swine are seropositive for pseudorabies. Each separated group of swine on an individual premises must be considered a separate herd and sampled as follows:

- Less than 100 head - test 45
- 100-200 head - test 51
- 201-999 head - test 57
- 1000 and over - test 59

"Official random-sample test (95/10)" means a sampling procedure utilizing official pseudorabies serologic tests that provide a 95 percent probability of detecting infection in a herd in which at least 10 percent of the swine are seropositive for pseudorabies. Each segregated group of swine on an individual premises must be considered a separate herd and sampled as follows:

- Less than 100 head - test 25
- 100-200 head - test 27
- 201-999 head - test 28
- 1000 and over - test 29

"Official test" or "test" means any serologic test for the detection of pseudorabies (serum neutralization (SN), for example) as approved by the United States Department of Agriculture (9 CFR 85.1, 19961995) and conducted in an approved laboratory.

(Source: Amended at 21 Ill. Reg. 904, effective JAN 1 1997)

Section 115.40 Requirements for Establishing and Maintaining Qualified Pseudorabies Negative Herds

## a) Initial Requirements:

- 1) Herds which are not under quarantine for pseudorabies shall be initially qualified upon completion of one negative herd test of all breeding swine 6 months of age and over plus a number of progeny equal to 20 percent of the breeding swine population of the herd. Progeny shall be randomly selected from the swine between 4 and 6 months of age.
- 2) A minimum of 90 percent of the herd shall have been on the premises for at least 60 90 days OR shall have originated direct from another qualified pseudorabies negative herd.
- 3) If positive swine are disclosed in a herd in the process of becoming a qualified pseudorabies negative herd, the positive animals shall be immediately isolated from the remainder of the herd and be disposed of for slaughter OR be maintained on another premises separate and apart from that where the negative swine



## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENT

are maintained. The herd shall then be recognized as a qualified pseudorabies negative herd when it has complied with the provisions of Section 115.40(a)(1).

- 4) A qualified pseudorabies negative herd may be established without a complete herd test if all the swine originate from qualified pseudorabies negative herds and, within 30 days after arrival, all swine in the initial shipment (up to 50 animals) are tested and found negative. ~~only after the first quarterly test or 25% of the herd has been tested. This test shall include a representative sample of all groups that were purchased to make up the herd.~~

## b) Maintenance Requirements:

- 1) Qualified pseudorabies negative herd status is maintained by subjecting all swine over 6 months of age in the herd to an official pseudorabies serologic test at least once each year (this shall be accomplished by testing 20 percent 25% of swine over 6 months of age and over and a number of offspring 4 to 6 months of age located on the same premises as the breeding herd equal to 6 percent of the breeding animals in the herd every 80 to 105 days and finding all swine so tested negative, or by testing 7 percent of all breeding swine 6 months of age or older, and a test of the offspring 4 to 6 months of age located on the same premises equal to 2 percent of the breeding animals in the herd ~~10% of the swine over 6 months of age~~ each month and finding all swine so tested negative). If the members of the qualified herd are maintained on more than one premises, 20 percent plus progeny 25 or 10 7 percent plus progeny of the swine on each premises shall be retested as required. If the ~~25 or 10 percent~~ retests are not conducted when due, the requalification requirements shall then be the same as for initial qualification. Upon approval from the Director, status may also be maintained on the basis of a monthly negative official random-sample test (95/5) in each separate population of breeding swine on a premises, and a monthly test of 50 offspring 4 to 6 months of age located on the same premises as the breeding herd. Sampling in the population must be random, and the test protocol in the herd must be part of the approval. Progeny must be selected at random from all groups on the premises.

- 2) If positive swine are disclosed on a requalification test, or on a test for any other purpose, the positive swine shall be immediately isolated from the remainder of the herd and be disposed of for slaughter OR maintained on another premises separate and apart from that where the negative swine are maintained. The infected premises or portions thereof shall be cleaned and disinfected. Such herd may again be recognized as a qualified pseudorabies negative herd upon completion of a negative herd test of all swine in the herd 6 months of age and over and an official random-sample test (95/10) of progeny 2-6

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENT

months of age conducted not less than 30 days after the last infected swine have been removed and the premises cleaned and disinfected. ~~Such herd test shall include all breeding swine 6 months of age and over.~~

## c) Additions:

- 1) Swine originating in another qualified pseudorabies negative herd may enter Illinois qualified pseudorabies negative herd without test.
- 2) Swine originating from other than a qualified pseudorabies negative herd shall be negative to an official test for pseudorabies conducted not more than 30 days prior to entry into the herd, shall be held in isolation from the other members of the qualified herd, and shall be retested and negative to an official test for pseudorabies not less than 30 nor more than 60 days following entry.
- 3) Members of a qualified pseudorabies negative herd which are exhibited or are otherwise commingled with swine from non-qualified pseudorabies negative herds shall be held in isolation on the herd premises for a minimum of 30 days after return AND shall be tested and negative to an official test for pseudorabies before being reunited with other members of the qualified herd.

- d) Establishing and maintaining a qualified pseudorabies negative growth premises on which no adult breeding swine are maintained.

- 1) In herds where the pigs are moved within one week after weaning from a pseudorabies negative herd to either a growth or sales point, a pseudorabies test is not required.
- 2) Pseudorabies negative status may be attained in the growth facility by a monthly negative random-sample test (95/5) beginning within 30 days after the establishment of the herd, except that in all-in/all-out units, one test of 50 head is required of each group. If the breeding herd, growth and sales point herd are all located in Illinois, testing is not required.
- 3) Pseudorabies negative status is attained in the sales point herd by a negative official pseudorabies test of the entire initial shipment or 50 head selected at random, whichever is less. Pseudorabies negative status may be maintained by monthly negative official pseudorabies test of 50 swine selected at random from those that have been in the herd at least 30 days, except that in all-in/all-out units, one test of 50 head is required of each group. Each segregated group of swine on an individual premises must be considered a separate herd.

(Source: Amended at 21 Ill. Reg. ~~904~~ <sup>904</sup> <sub>1337</sub>, effective JAN 1 1937)

Section 115.50 Requirements for Establishing and Maintaining Pseudorabies Qualified-Negative Gene-Altered Vaccinated (QNV) Swine Herds

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENT

## a) Initial Requirements:

- 1) Pseudorabies qualified-negative gene-altered vaccinated (QNV) herd status may be granted if no swine in the herd are known to be infected with or exposed to pseudorabies and if the only swine vaccinated for pseudorabies have been vaccinated with a single official gene-altered pseudorabies vaccine. All swine over 6 months of age plus a number of the progeny equal to 20 percent of the breeding swine population of the herd must be subjected to an approved differential pseudorabies test and all swine must be negative. Progeny shall be randomly selected from swine between 4 and 6 months of age. Herds which are not under quarantine for pseudorabies shall be granted pseudorabies-negative gene-altered vaccinated herd status upon completion of one negative herd test of all breeding swine 6 months of age and over provided the entire herd of swine 10 months of age and over are vaccinated with a pseudorabies vaccine licensed by the U.S. Department of Agriculture and administered under the supervision of an accredited veterinarian within 15 days after such test or the herd is currently approved as a qualified pseudorabies-negative product for which there is a laboratory test available to differentiate between vaccine and field infection titers.

- 2) A minimum of 90 percent of the herd shall have been on the premises for at least 90 days OR originate directly from a qualified pseudorabies negative swine herd or from another QNV pseudorabies-negative gene-altered vaccinated herd.

- 3) If positive swine are disclosed in a herd in the process of becoming a QNV pseudorabies-negative gene-altered vaccinated herd, the positive swine shall be immediately isolated from the remainder of the herd and may be retested at the owner's expense with the special laboratory test designated to determine vaccination titers from field exposure. If the swine are determined to be positive only as a result of vaccination titers, the herd shall then be granted QNV pseudorabies-negative gene-altered vaccinated herd status. If the swine are determined to be infected with field virus, the positive swine shall be disposed of for slaughter OR be maintained on another premises separate and apart from that where the negative swine are maintained. The premises shall be cleaned and disinfected following removal of the positive swine. The herd shall then be granted QNV pseudorabies-negative gene-altered vaccinated herd status when it has complied with the provisions of subsection a)(1).

## b) Maintenance Requirements:

- 1) QNV Pseudorabies-negative gene-altered vaccinated herd status shall be maintained continuously by a negative retest of 20 25 percent of all breeding swine 6 months of age or older, and a number of offspring 4 to 6 months of age located on the same

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENT

premises as the breeding herd equal to 6 percent of the breeding animals in the herd, the qualified herd at approximately each 90 days (80-105 days) OR 7 percent of all breeding swine 6 months of age or older, and a number of offspring 4 to 6 months of age located on the same premises as the breeding herd equal to 2 percent of the breeding animals in the herd, 10 percent of the qualified herd at approximately each 30 days (25-35 days). Upon approval from the Director, status may also be maintained on the basis of a monthly negative official random-sample test (95/5) in each separate population of breeding swine on a premises, and a monthly test of 50 offspring 4 to 6 months of age located on the same premises as the breeding herd. Sampling in the population must be random, and the test protocol in the herd must be part of the approval. Progeny must be selected at random from all groups on the premises. Breeding stock in the herd 6 months of age and over in a number equal to 25 percent of the number in the breeding herd on the date of the maintenance test shall be included in the 90 or 30 day test. The same animals shall not be retested for requalification purposes in any 12-month period except during the first 12-month period following the initial qualification test. If the members of the qualified herd are maintained on more than one premises, 20 or 7 25 or 10 percent plus progeny of the swine on each premises shall be retested as required. If the 20 or 7 25 or 10 percent plus progeny retests are not conducted when due, the requalification requirements shall then be the same as for initial qualification.

Progeny testing on multisite herds shall be as in Section 115.40(d) of this Part.

- 2) Offspring to be retained in a pseudorabies-negative gene-altered vaccinated herd as breeding swine shall be tested and negative to an official test for pseudorabies upon reaching 10 months of age and shall then be vaccinated against pseudorabies with an approved vaccine in accordance with subsection (a)(1) within 15 days after such test.

- 2) 3) If positive swine are disclosed on a maintenance test, or on a test for any other purpose, QNV pseudorabies-negative gene-altered vaccinated herd status shall be suspended. Positive swine shall be immediately isolated from the remainder of the herd and may be retested at owner's expense with the special laboratory test designated to determine vaccination titers from field exposure. If the swine are determined to be positive only as a result of vaccination titers, the QNV pseudorabies-negative gene-altered vaccinated herd status will be restored. If the swine are determined to be infected with field virus, they shall be disposed of for slaughter OR maintained on another premises separate and apart from that where the negative swine are maintained. The premises shall be cleaned and disinfected following removal of the positive swine and a retest conducted in



## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENT

30 days on all unvaccinated swine 16 weeks of age and over. If this 30-day retest is negative, then all swine 16 weeks of age and over shall be retested again at the end of 30 days (60 days following removal of positive swine) and, if negative, QNV pseudorabies--negative--gene--altered--vaccinated herd status shall be reinstated.

## c) Additions:

- 1) Swine from any qualified pseudorabies negative herd may enter an Illinois QNV pseudorabies--negative--gene--altered--vaccinated herd without test and shall be vaccinated in--accordance--with subsection-(a)(1) within 30 days after of entry into the herd.
- 2) Pseudorabies vaccinated swine originating from another QNV pseudorabies--negative--gene--altered--vaccinated herd may enter an Illinois QNV pseudorabies--negative--gene--altered--vaccinated herd upon evidence of a negative official test for pseudorabies conducted within 60 days prior to entry from another Illinois herd and within 30 days prior to entry from another state.
- 3) Unvaccinated swine originating from an Illinois QNV pseudorabies negative--gene--altered--vaccinated herd may enter another Illinois QNV pseudorabies--negative--gene--altered--vaccinated herd without a pseudorabies test and shall be vaccinated in--accordance--with subsection-(a)(1) within 30 days after of entry into the herd.
- 4) Swine originating from other than an Illinois QNV pseudorabies negative--gene--altered--vaccinated herd OR a qualified test for negative herd shall be negative to an official test for pseudorabies conducted within 30 60 days prior to entry into the herd from another Illinois herd and within 30 days prior to entry from another state. All such swine shall be held in isolation from the other members of the QNV pseudorabies--negative--gene--altered--vaccinated herd, and shall be retested and negative to an official test for pseudorabies not less than 30 nor more than 60 days following entry. Swine shall then be vaccinated in accordance--with--subsection-(a)(1) within 30 days after of entry into the herd.
- 5) Swine from a QNV pseudorabies--negative--gene--altered--vaccinated herd which are exhibited or are otherwise commingled with swine from any other herd shall be held in isolation on the herd premises for a minimum of 30 days after return AND shall be tested and negative to an official test for pseudorabies before being reunited with other members of the QNV pseudorabies negative--gene--altered--vaccinated herd.
- 6) Additions--to--a--pseudorabies--negative--gene--altered--vaccinated--herd shall--be--tested--and--negative--to--an--official--test--for--pseudorabies upon--reaching--10--months--of--age--and--shall--then--be--vaccinated against--pseudorabies--with--a--pseudorabies--vaccine--in--accordance with--subsection-(a)(1).

- d) Sales: Pseudorabies vaccinated swine originating from a QNV pseudorabies--negative--gene--altered--vaccinated herd may be loaned,

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENT

leased, traded, or sold for breeding purposes within Illinois; provided, the purchaser is informed that the swine are from a QNV pseudorabies--negative--gene--altered--vaccinated herd.

(Source: Amended at 21 Ill. Reg. 904 effective 1/1/93)

## Section 115.60 Requirements for Establishing and Maintaining Feeder Swine Pseudorabies Monitored Herds (Repealed)

## a) Statement-of-Intent:

- 1) The program for--establishing--and--maintaining--a--feeder--swine pseudorabies--monitored--herd--is--voluntary--and--is--intended--as--a procedure--to--reduce--the--possibility--of--commercial--feeder--pigs being--infected--with--pseudorabies.

- 2) Breeding--swine--from--feeder--swine--pseudorabies--monitored--herds shall--be--negative--to--an--official--test--for--pseudorabies--conducted within--60--days--prior--to--being--sold--loaned--leased--or--traded within--Illinois.

- 3) The Department--shall--be--responsible--for--publishing--in--the Illinois--farm--press--a--current--listing--of--feeder--swine pseudorabies--monitored--herds,--with--promotional--statements encouraging--the--purchase--of--feeder--swine--from--such--herds.

## b) Initial-Requirements:

- 1) Herds--which--have--not--been--under--quarantine--for--pseudorabies within--the--preceding--12--months--shall--be--granted--feeder--swine pseudorabies--monitored--herd--status--upon--completion--of--one negative--herd--test--of--30--percent--of--all--breeding--swine--12--months of--age--and--over--with--no--less--than--5--animals--included--on--the--herd test.

- 2) Herds--which--have--been--under--quarantine--for--pseudorabies--within the--preceding--12--months,--but--are--not--presently--under--quarantine--shall--be--granted--feeder--swine--pseudorabies--monitored--herd--status upon--completion--of--one--negative--herd--test--of--all--breeding--swine--6 months--of--age--and--over.

- 3) If--positive--swine--are--disclosed--in--a--herd--in--the--process--of becoming--a--feeder--swine--pseudorabies--monitored--herd--the--positive swine--may--be--retested--one--time--if--it--is--established--that--the herd--is--infected--with--pseudorabies,--the--positive--swine--shall--be immediately--isolated--from--the--remainder--of--the--herd--and--be disposed--of--for--slaughter--OR--shall--be--maintained--on--another premises--separate--and--apart--from--that--where--the--negative--swine are--maintained--Following--removal--of--the--positive--swine--the premises--shall--be--cleaned--and--disinfected--The--herd--shall--be cleaned--and--disinfected--the--herd--shall--then--be--granted--feeder swine--pseudorabies--monitored--herd--status--upon--completion--of--one negative--official--pseudorabies--test--on--all--animals--in--the--herd--6 months--of--age--and--over--conducted--not--less--than--45--days--following



## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENT

## removal-of-the-last-positive-swine-

## c) Maintenance-Requirements:

1) Feeder-swine-pseudorabies-monitored-herd-status-shall-be maintained-continuously-by-a-negative-retest-of-25-percent-of-the herd-approximately-each-180-days-When-10-percent-of-the-herd-is tested-each-180-days-the-same-swine-shall-not-be-included-on-the second-retest-Breeding-stock-in-the-herd-6-months-of-age-and over-in-a-number-equal-to-25-percent-of-the-breeding-herd-at-the time-of-the-maintenance-test-shall-be-included-in-the-365-day-or 180-day-test-If-the-members-of-the-feeder-swine-pseudorabies monitored-herd-are-maintained-on-more-than-one-premises-25-or-10 percent-of-the-swine-on-each-premises-shall-be-retested-as required-If-the-25-or-10-percent-retests-are-not-conducted-when due-the-requirements-for-becoming-recognized-as-a-feeder-swine pseudorabies-monitored-herd-shall-be-the-same-as-outlined-under Section-115.60(b)(2).

2) If-positive-swine-are-disposed-on-a-renewal-test-or-on-a-test for-any-other-purpose-the-positive-swine-may-be-retested-one time-if-it-is-established-that-the-herd-is-infected-with pseudorabies-the-positive-swine-shall-be-immediately-isolated from-the-remainder-of-the-herd-and-be-disposed-of-for-slaughter OR-shall-be-maintained-on-another-premises-separate-and-apart from-that-where-the-negative-swine-are-maintained-Following removal-of-the-positive-swine-the-premises-shall-be-cleaned-and disinfected-The-herd-shall-again-be-granted-feeder-swine pseudorabies-monitored-herd-status-upon-completion-of-one negative-official-pseudorabies-test-on-all-animals-in-the-herd-6 months-of-age-and-over-not-less-than-45-days-following-removal-of-the-last-positive-swine-

## d) Additions:

1) Swine-originating-from-a-pseudorabies-qualified-negative-herd-may enter-an-Illinois-feeder-swine-pseudorabies-monitored-herd without-test.

2) Swine-originating-from-other-than-a-qualified-pseudorabies negative-herd-shall-be-negative-to-an-official-test-for pseudorabies-conducted-not-more-than-30-days-prior-to-entry-into the-herd-shall-be-held-in-isolation-from-the-other-members-of the-herd-and-shall-be-retested-and-negative-to-an-official-test for-pseudorabies-not-less-than-30-not-more-than-60-days-following entry.

3) Swine-from-a-feeder-swine-pseudorabies-monitored-herd-which-are exhibited-or-are-otherwise-commingled-with-swine-from-any-other herd-shall-be-held-in-isolation-on-the-herd-premises-for-a minimum-of-30-days-after-return-AND-shall-be-tested-and-negative to-an-official-test-for-pseudorabies-before-being-reunited-with other-members-of-the-feeder-swine-pseudorabies-monitored-herd-

(Source: Repealed at 21 Ill. Reg. 90453, effective

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENT

JAN 1 1997

## Section 115.80 Pseudorabies Testing of Feeder Swine

a) Swine for feeding purposes shall, in addition to complying with the other requirements of this Part and 8 Ill. Adm. Code 105.10, enter or move within Illinois without further testing requirements for pseudorabies if:

- 1) The swine are from a qualified pseudorabies negative herd, a QNV pseudorabies-negative-gene-altered-vaccinated herd, or a feeder swine pseudorabies monitored herd; or
- 2) The swine are from a herd in which a representative sample of animals 6 months of age and over have been tested and are negative to an official serological test for pseudorabies within the preceding 12 months. In herds of 35 animals or less, a representative sample is all swine 6 months of age and over or at least 10 animals, whichever is less. In herds of 36 animals or more, a representative sample is a minimum of 30 percent or 30 animals that are 6 months of age and over, whichever is less; or
- 3) The swine originate from a state that has been classified as Stage III, IV or V under the Pseudorabies Eradication State-Federal-Industry Program Standards (Jan.7 1996:1995) as approved by the United States Animal Health Association (P.O. Box 28176, Suite 205, 6924 Lakeside Avenue, Richmond, Virginia 23228-0176) or originate from a country that meets the requirements for Stage V. If there are multiple pseudorabies classifications within a state, the lowest classification shall be recognized by this Department as the classification for that entire state.

b) Swine tested for pseudorabies under a market swine testing program (Section 115.100) shall be included in the representative sample required in subsection (a)(2).

(Source: Amended at 21 Ill. Reg. 90453, effective

## Section 115.100 Breeding Animals Consigned to Slaughter

Before being mixed with swine from any other source, all breeding animals consigned to slaughter or offered for sale for slaughter shall be identified to the herd of origin by an approved identification tag in accordance with the Swine Identification Program (9 CFR 78.33, 1996:1995). The tag shall be applied to the back of the neck of each animal. A report of such identification shall be made on forms provided by the United States Department of Agriculture and shall be submitted to the Department within 30 days of application. If such swine are slaughtered in Illinois, the management of the Illinois slaughter facility shall, upon written request from the Department or from the U.S. Department of Agriculture, provide for or permit the collection of blood

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENT

samples for testing from the identified swine.

(Source: Amended 904 at 21 Ill. Reg. III, effective \_\_\_\_\_)

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Swine Disease Control and Eradication Act
- 2) Code Citation: 8 Ill. Adm. Code 105
- 3) Section Numbers: Adopted Action:  
105.10 Amendment  
105.20 Amendment  
105.30 Amendment
- 4) Statutory Authority: Illinois Swine Disease Control and Eradication Act [510 ILCS 100], the Illinois Pseudorabies Control Act [510 ILCS 90], and the Illinois Swine Brucellosis Eradication Act [510 ILCS 95]
- 5) Effective Date of amendments: January 7, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this proposed amendment contain incorporations by reference? Yes
- 8) Date Filed in Agency's Principal Office: January 6, 1997
- 9) Notices of Proposal Published in Illinois Register: July 12, 1996, 20 Ill. Reg. 8799
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? N/A
- 13) Will this amendment replace an emergency amendment in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of amendments: Provisions in Section 115.80 of the Illinois Pseudorabies Control Act regulations currently exempt feeder swine from qualified pseudorabies negative or pseudorabies negative gene-altered vaccinated herds, states or countries classified as Stage III, IV or V under the pseudorabies eradication State-Federal-Industry Program Standards from a test prior to importation into Illinois. This wording is also added to Section 105.10 in an effort to locate all import requirements in one area.

Clarification on the mailing address for the Illinois destination for permits is included in both Sections 105.10 and 105.30 to indicate that the complete mailing address, not just the name and town, is required for a permit. This is necessary, especially for breeding animals, as letters

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENTS

are sent out to the purchaser in Illinois informing that person as to the required post entry test. Section 105.30 is amended to include the current edition of the program standards.

In Section 105.20, the required report from the owner on the condition of imported feeder swine is being deleted as the Department no longer requires this report.

16) Information and questions regarding this adopted amendment shall be directed to:

Debbie Wakefield  
Illinois Department of Agriculture  
State Fairgrounds  
Springfield, IL 62794-9281  
217/785-5713  
Facsimile: 217/785-4505

The full text of Adopted Amendments begins on the next page:

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS  
CHAPTER I: DEPARTMENT OF AGRICULTURE  
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS  
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

## PART 105

## SWINE DISEASE CONTROL AND ERADICATION ACT

Section	Definitions
105.5	Swine Entering Illinois for Feeding Purposes Only
105.10	Quarantine of Imported Feeder Swine
105.20	Swine Entering Illinois for Breeding Purposes
105.30	Pseudorabies (Aujeszky's Disease) in Swine (Repealed)
105.40	General Requirements for Qualified Pseudorabies Negative, Controlled Vaccinated and Feeder Swine Pseudorabies Monitored Herds (Repealed)
105.41	Requirements for Establishing and Maintaining Qualified Pseudorabies Negative Herds (Repealed)
105.42	Requirements for Establishing and Maintaining Pseudorabies Controlled Vaccinated Swine Herds (Repealed)
105.44	Requirements for Establishing and Maintaining Feeder Swine
105.46	Pseudorabies Monitored Herds (Repealed)
105.50	Official Pseudorabies Test (Repealed)
105.60	Pseudorabies Test Requirements for Intrastate Movement (Repealed)
105.70	Pseudorabies Testing of Feeder Swine (Repealed)
105.80	Feeder Swine (Repealed)
105.90	Feral Swine

**AUTHORITY:** Implementing and authorized by the Illinois Swine Disease Control and Eradication Act [510 ILCS 100], the Illinois Pseudorabies Control Act [510 ILCS 90], and the Illinois Swine Brucellosis Eradication Act [510 ILCS 95].

**SOURCE:** Rules and Regulations Relating to the Illinois Swine Disease Control and Eradication Act, filed February 24, 1975, effective March 6, 1975; 2 Ill. Reg. 24, p. 31, effective June 15, 1978; 2 Ill. Reg. 46, p. 10, effective November 11, 1978; 3 Ill. Reg. 33, p. 341, effective January 1, 1980; 5 Ill. Reg. 3, p. 745, effective January 2, 1981; 5 Ill. Reg. 45, p. 12100, effective October 27, 1981; codified at 5 Ill. Reg. 10461; amended at 5 Ill. Reg. 13619, effective December 4, 1981; amended at 8 Ill. Reg. 5998, effective April 23, 1984; amended at 9 Ill. Reg. 2236, effective February 15, 1985; amended at 9 Ill. Reg. 18435, effective November 19, 1985; amended at 10 Ill. Reg. 9758, effective May 21, 1986; amended at 11 Ill. Reg. 10187, effective May 15, 1987; amended at 11 Ill. Reg. 10538, effective May 21, 1987; amended at 12 Ill. Reg. 3440, effective January 22, 1988; amended at 13 Ill. Reg. 3715, effective March 13, 1989; amended at 14 Ill. Reg. 1961, effective January 19, 1990; amended at 14 Ill. Reg. 15322, effective September 10, 1990; amended at 16 Ill. Reg. 11799, effective July 8, 1992; emergency amendment at 17 Ill. Reg. 5910, effective March 17, 1993, for a maximum of 150 days; amended at 17 Ill. Reg.



## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENTS

14010, effective August 16, 1993; amended at 18 Ill. Reg. 1880, effective January 24, 1994; amended at 18 Ill. Reg. 17968, effective January 1, 1995; amended at 20 Ill. Reg. 1563, effective January 12, 1996; amended at 21 Ill. Reg. 917-3, effective JAN 7 1997.

**Section 105.10 Swine Entering Illinois for Feeding Purposes Only**

a) Feeder swine, except feral swine, may enter Illinois provided they are identified by an ear tag or tattoo in the right ear showing state of origin and accompanied by a permit from the Department and an official health certificate.

b) Official health certificate shall:

- 1) Be issued by an accredited veterinarian of the state of origin or a veterinarian in the employ of the United States Department of Agriculture;
- 2) Be approved by the Animal Health Official of state of origin;
- 3) Show that the feeder swine are free from visible evidence of any contagious, infectious, or communicable disease or exposure thereto;
- 4) Show that the feeder swine are not from a quarantined herd and/or area;

5) List number and description of the feeder swine, tattoos, ear tag series or location of ear tag records when pigs originate from cooperative feeder pig sales; and

6) Show that the swine originated from a herd in which a representative sample of the breeding herd has been tested and found negative for pseudorabies (8 Ill. Adm. Code 115.80), originate from a qualified pseudorabies negative or pseudorabies negative gene-altered vaccinated herd or originate from a state that has been classified as Stage III, IV or V under the Pseudorabies Eradication State-Federal-Industry Program Standards (Jan. 1996) as approved by the United States Animal Health Association (P.O. Box 28176, Suite 205, 6924 Lakeside Avenue, Richmond, Virginia 23228-0176) or originate from a country that meets the requirements for Stage V. If there are multiple pseudorabies classifications within a state, the lowest classification shall be recognized by this Department as the classification for that entire state.

c) Permits:

- 1) Permits to import feeder swine shall only be issued to:
  - A) An Illinois licensed feeder swine dealer; and
  - B) A person importing pigs to feed on his own premises and not for resale other than to slaughter.
- 2) Applicant for permit shall furnish the following information to the Department:
  - A) Name and complete mailing address of Illinois destination.
  - B) Name and address of consignor.
  - C) Number of swine in shipment.

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENTS

3) Grounds for refusal to issue a permit are:

- A) Violation of the Act or any rule of this Part.
- B) If a person should be licensed under the Illinois Feeder Swine Dealer Licensing Act [225 ILCS 620] and his or her license is not in good standing with the Department.
- C) Presence of a disease which might endanger the Illinois swine industry.

(Source: Amended at 21 Ill. Reg. 917-3, effective JAN 7 1997)

**Section 105.20 Quarantine of Imported Feeder Swine**

Feeder swine imported from other states shall be subject to quarantine at destination for a period of twenty-one (21) days. ~~The owner shall report the condition of such feeder swine at the expiration of the quarantine period on forms prescribed by the Department.~~

(Source: Amended at 21 Ill. Reg. 917-3, effective JAN 7 1997)

**Section 105.30 Swine Entering Illinois for Breeding Purposes**

a) Swine for breeding purposes, except feral swine, may enter Illinois provided they are accompanied by a permit from the Department and an official health certificate.

b) Official health certificate shall:

- 1) Be issued by an accredited veterinarian of the state of origin or by a veterinarian in the employ of the United States Department of Agriculture;
- 2) Be approved by the Animal Health Official of the state of origin;
- 3) Identify each animal by registration number, ear tag, tattoo, or ear notch approved by the respective breed registry;
- 4) Show the swine are free from visible evidence of contagious, infectious, or communicable diseases;
- 5) Show that the swine are not from a quarantined herd and/or area;
- 6) Show any swine more than 4 months of age to be negative to an official test for brucellosis, conducted by an approved laboratory within 30 days prior to entry. OR that the swine originate from a validated brucellosis-free herd, with validated herd number and validation date listed on the health certificate, OR that the swine originate from a validated brucellosis-free state (Swine Brucellosis Eradication Uniform Methods and Rules (February 1995); as approved by the United States Animal Health Association, P.O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228)). Incorporation by reference does not include any amendments or editions beyond the date specified; and
- 7) Show any swine to be negative to an official test for

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENTS

pseudorabies conducted by an approved laboratory within 30 days prior to entry OR that the swine originated from a qualified pseudorabies negative herd, with the qualified herd number and qualification date listed on the health certificate, OR that the swine originated from a country that meets the requirements for Stage V or from a state that has been classified as Stage IV or State V under the Pseudorabies Eradication State-Federal-Industry Program Standards (January 1, 1996 1995) as approved by the United States Animal Health Association (P.O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228). If there are multiple pseudorabies classifications within a state, the lowest classification shall be recognized by this Department as the classification for that entire state. Incorporation by reference does not include any amendments or editions beyond the date specified.

## c) Permits:

- 1) Permits to import breeding swine shall be issued by telephoning or writing the Department.
- 2) Applicant for permit shall furnish the following information to the Department:

Name and complete mailing address of Illinois destination;

Name and address of consignor; and

Number of swine in shipment.

- 3) Grounds for refusal to issue a permit are:
  - A) Violation of the Act or any rule of this Part; and
  - B) Presence of a disease which might endanger the Illinois swine industry.

- d) Imported breeding animals shall be kept isolated until a percentage of the imported breeding swine are retested and negative to an official test for pseudorabies conducted not less than 21 days nor more than 90 days after entering Illinois. If the number of imported breeding animals is 35 or less, all or at least 10 animals, whichever is less, are to be tested. If more than 36 imported breeding animals are involved, a minimum of 30 percent or 30 animals, whichever is less, is to be tested. Swine originating from a country that meets the requirements for Stage V or a state that has been classified as Stage IV or Stage V under the Pseudorabies Eradication State-Federal-Industry Program Standards are exempt from the isolation and retest provisions. If there are multiple pseudorabies classifications within a state, the lowest classification shall be recognized by this Department as the classification for that entire state.

(Source: Amended at 21 Ill. Reg. 017- = effective JAN 1 1997)

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Licensing Standards for Day Care Centers
- 2) Code Citation: 89 Ill. Adm. Code 407
- 3) Section Numbers: Adopted Action: Amend 407.31
- 4) Statutory Authority: 225 ILCS 10
- 5) Effective Date of Amendments: January 15, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: January 15, 1997
- 9) Notice of Proposal Published in the Illinois Register: August 16, 1996, 20 Ill. Reg. 10753
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference between proposal and final version: The proposed version had specific statements that must be included in the exception letter from the Office of the State Fire Marshal and the Chicago Fire Department's Fire Prevention Bureau. The OSFM indicated that it wanted to issue only the standard letter of compliance or summary of violations and that it did not find it necessary to include the details requested by the Department in the letter. The Department acknowledges the expertise of the fire prevention experts and finds the standard letter issued by fire prevention divisions acceptable. Therefore, the specific details which were to be included in the exception letter have been removed from the final, adopted amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these adopted amendments replace an emergency rule currently in effect? Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of these Adopted Amendments: Day care center licensing rules require that infants and toddlers be housed and cared for on the ground floor if the day care center began its operations on or after August 15, 1983. (Day care centers caring for infants and toddlers prior to that effective date were not required to move infants and toddlers to the ground floor.) This standard was problematic for two

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## reasons:

- fire prevention authorities advised that buildings with highly sophisticated fire prevention systems could safely care for children above or below the ground floor, but DCFS licensing rules would not allow it; and
- day care centers operating under the "grand-father clause" were caring for children under conditions which fire prevention authorities did not find to be safe.

The Department's adopted amendments require all day care centers, regardless of the initial date of licensure, to house and care for infants and toddlers on the ground floor unless an exception is granted by the Office of the State Fire Marshal or the Chicago Fire Department's Fire Prevention Division.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Jacqueline Nottingham, Chief  
Office of Rules and Procedures  
Department of Children and Family Services  
406 E. Monroe Street, Station # 65  
Springfield, IL 62701-1498  
217/524-1983  
TTY: 217/524-3715

The full text of the Adopted Amendment begins on the next page:

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES  
SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

## PART 407

## LICENSING STANDARDS FOR DAY CARE CENTERS

Section	Purpose
407.1	Definitions
407.2	Effective Date of Standards
407.3	Application for License
407.4	Application for Renewal of License
407.5	Provisions Pertaining to the License
407.6	Provisions Pertaining to Permits
407.7	Organization and Administration
407.8	Finances
407.9	General Requirements for Personnel
407.10	Child Care Director
407.11	Child Care Workers and Group Workers
407.12	Child Care Assistants
407.13	Use of Students
407.14	Service Staff
407.15	Substitutes and Volunteers
407.16	Background Inquiry
407.17	Admission and Discharge Procedures
407.18	Discipline
407.19	Personal Care and Hygiene
407.20	Program
407.21	Equipment and Materials
407.22	Grouping and Staffing
407.23	Nutrition
407.24	Night Care
407.25	Children with Special Needs
407.26	Infants and Toddlers
407.27	School-Age Children
407.28	Health Requirements for Children
407.29	Transportation
407.30	Plant and Equipment
407.31	Records and Reports
407.32	Confidentiality of Records and Information
407.33	Records Retention
407.34	Severability of This Part
407.35	Meal Pattern Chart for Children 0 to 12 Months of Age
APPENDIX A	Meal Pattern Chart for Children Over One Year of Age
APPENDIX B	Minimum Equipment and Supplies -- Pre-School Programs
APPENDIX C	Minimum Equipment and Supplies -- Infant and Toddler Programs
APPENDIX D	Licensed or Registered Professions
APPENDIX E	



## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

**AUTHORITY:** Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10].

**SOURCE:** Adopted and codified at 7 Ill. Reg. 9215, effective August 15, 1983; amended at 8 Ill. Reg. 8713, effective June 15, 1984; amended at 8 Ill. Reg. 24937, effective January 1, 1985; amended at 16 Ill. Reg. 7597, effective April 30, 1992; emergency amendment at 20 Ill. Reg. 11366, effective August 1, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. ~~923~~ 923 effective

JAN 1 1997

## Section 407.31 Plant and Equipment

a) The physical facilities provided both indoors and outdoors shall protect the health and safety of children.

1) The building housing a center shall be approved prior to occupancy and license renewal by the Illinois Department of Public Health and the Office of the State Fire Marshal or local agencies authorized by those State agencies to conduct inspections on their behalf. Otherwise, inspection and approval shall be in accordance with the regulations of the proper health and fire authorities.

2) The building or portion of the building to which children from the center have access shall be used only for a program of child care during the hours that the center is in operation. This shall not be construed to mean that the space used for the program cannot be shared by other groups or persons when the children enrolled are not present.

3) There shall be a posted emergency plan for evacuation, and monthly fire drills shall be conducted at the center for the purpose of removing children from the center as quickly as possible. Records shall be maintained of the dates and times fire drills are conducted.

4) ~~In--facilities-established-after-the-effective-date-of-this-ruler~~  
~~infants~~ Infants and toddlers shall be housed and cared for at ground level unless otherwise approved through the exception process below. Travel distance between any point in a room used for infants and toddlers and an exit discharging directly outside shall not exceed 150 feet. Only a fire inspector from the Office of the State Fire Marshal or the Chicago Fire Department's Fire Prevention Bureau may grant an exception to the requirements that infants and toddlers be housed and cared for at ground level.

5) The program shall be modified, as needed, when there are adverse environmental conditions caused by weather, heating or cooling difficulties, or other such problems.

b) There shall be sufficient indoor space to conduct the program.

1) There shall be a minimum of 35 square feet of activity area per child in centers for normal children two years of age and older. This space is exclusive of exit passages and fire escapes, which

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

must be clear. This space is also exclusive of administrative space, storage areas, bathrooms, kitchen, space required for equipment that is not used for direct activities with children, and gymnasiums or other areas used exclusively for large muscle activity or active sports.

2) During nap time, there shall be at least two feet of space on at least two sides between cots.

3) Storage space shall be provided for cots, bedding, and other equipment.

4) One room, no matter how large, shall accommodate only one group, except that room dividers or program equipment at least 3'6" in height may be used to define and separate the space for each group of children up to age five. Gymnasiums and similar sized areas may accommodate two groups, without dividers, when used for large muscle activity and active sports.

5) All rooms or spaces accommodating more than one group shall be provided with an acoustical ceiling or its equivalent in carpeting or wall covering. If carpeting is used to control noise, it shall not be required in water play, painting, and similar areas.

c) Indoor space shall provide a safe, comfortable environment for the children.

1) Adjustable window shades, drapes, or venetian blinds shall be provided.

2) The floors and floor coverings shall be washable and free from drafts, splinters, and dampness.

3) Toxic paints or finishes shall not be used on walls, window sills, beds, toys or any other equipment, materials or furnishings which may be used by children or within their reach. Peeling or damaged paint or plaster shall be repaired promptly to protect children from possible hazards.

4) Any thermal hazards (radiators, hot water pipes, steam pipes, heaters) in the space occupied by children shall be out of the reach of children or be separated from the space by partitions, screens, or other means.

5) Sharp scissors, knives, matches, lighters, flammable liquids, drugs, power tools, cleaning supplies and any other such items which might be harmful to children shall be kept in areas inaccessible to children.

6) The facility shall be well ventilated, and shall maintain a temperature of not less than 68 degrees Fahrenheit and not more than 74 degree Fahrenheit measured 3 feet above the floor. Relative humidity shall be maintained at between 35 and 60 percent.

7) Areas where children read, paint, or participate in other activities requiring close eye work shall be provided with a minimum of 50 foot candles measured 2 feet above the floor. Artificial light sources shall be protected from hazards of

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

breakage by installation of covers or shields. Other areas may be provided with foot candles of varying intensity, depending on the usage; the average foot candles for the entire classroom area shall be at least 30 foot candles measured 2 feet above the floor.

- d) A safe outdoor play area shall be provided.
- 1) The outdoor play area shall accommodate 25 percent of the licensed capacity at any one time.
  - 2) There shall be a minimum of 75 square feet of safe outdoor play area per child for the total number of children using the area at any one time.
  - 3) Play space shall be safely enclosed or otherwise protected from traffic and other hazards.
  - 4) Protective surface, such as, but not limited to, grass, P-gravel, and mulching shall be provided in areas where climbing apparatus is used.
  - 5) There shall be provided a surface that is suitable for children's wheeled vehicles and pull toys.
  - 6) Play areas shall be well drained and maintained in a safe, clean, and sanitary manner.
  - 7) There shall be open and sheltered areas to permit children to enjoy activities in either sun or shade and to protect them from excessive exposure.
  - 8) If an area not connected with the facility, such as a public park or playground, is used for play or recreation, the children shall be closely supervised both during play and while traveling to and from the area.
- e) Toilets and lavatories shall be readily accessible to the children.
- 1) If toilets and lavatories are not child-sized, safe steps shall be provided.
  - 2) Hot and cold running water shall be provided.
  - 3) Mild soap and individual towels shall be available and used. Towels may be disposable.
  - 4) Hot water supplied to lavatories, bathing facilities, and other plumbing fixtures used by children shall be tempered or thermostatically controlled to less than 120° F.
  - 5) The following ratios of lavatories and toilet facilities shall be provided.

Number of Children in day care facility	Toilets-Lavatories
1 to 10	1
11 to 25	2
26 to 50	3
51 to 75	4
76 to 100	5
101 to 125	6
126 to 150	7

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

151 to 175

8

8

- 6) Toilet and handwashing areas for school-age children shall provide for privacy.
- 7) Toilets shall be within close proximity to the children's activity areas. If this is not possible in existing facilities, an adult shall accompany children four years of age and younger.
- f) Toilet and lavatories shall be readily accessible to the staff.
- g) Kitchen sinks used for food preparation shall neither be used as handwashing lavatories, nor included in the total number of handwashing lavatories required.
- h) Space shall be provided for a child who becomes ill at the center. Such space shall be ventilated and heated; equipped with a cot and materials that can be easily sanitized; and ~~shall be~~ within sight and hearing of an adult.
- i) A safe and sanitary water supply shall be maintained. If a private water supply is used instead of a public water supply, the center shall supply written records of current test results indicating the water supply is safe for drinking. New test results must be provided prior to relicensing. If nitrate content exceeds 10 parts per million, bottled water must be used for infants.
- j) Swimming and wading pools shall be safely maintained and supervised.
  - 1) All swimming pools, whether at the facility or elsewhere, shall meet the Minimum Sanitary Requirements for the Design and Operation of Swimming Pools and Bathing Beaches of the Illinois Department of Public Health (~~to be codified at~~ 77 Ill. Adm. Code 820).
  - 2) All in-ground or above-ground swimming pools located in areas accessible to children shall be fenced. The fence shall be at least 3 1/2" in height and secured with a locked gate.
  - 3) When children are swimming, supervision shall at all times include at least one person currently certified as a lifeguard or water safety instructor by the American Red Cross (Lifesaving: Rescue and Water Safety, Prepared by American Red Cross, 1981) or equivalent water safety program.
  - 4) All staff, volunteers, and other adults who are counted in the staff/child ratio for swimming shall receive basic water safety instruction from the person certified in life saving per Section 407.31(j)(3).
  - 5) The following staff/child ratio shall be maintained when children are swimming, whether at the facility swimming pool or at other public or private swimming pools, lakes, parks, or recreational swimming facilities:

age	staff	children
infants/toddlers	1	1
2 years	1	4

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 3 years 1 6  
4 years 1 8  
5 years 1 10  
school-age 1 15
- 6) Portable wading pools shall be emptied after each use and cleaned with a germicidal solution before being air dried. Portable wading pools, splash pools, and other basins used for water play (activities) which are not required to be licensed by the Illinois Department of Public Health shall be emptied after use and cleaned with a germicidal solution before being air-dried.
- k) Kitchen areas shall be clean and equipped for preservation, storage, preparation, and serving of food. Provision shall be made for the cleaning and sanitation of dishes.
- 1) All garbage and refuse within the center shall be collected daily and stored in a manner that will not permit the transmission of disease, create a nuisance or a fire hazard, or provide harborage for insects, rodents or other pests.
- 1) An adequate number of covered, durable, water-tight, insect/rodent-proof garbage and refuse containers shall be provided for use.
- 2) Garbage and refuse containers used to discard diapering supplies, food products, or disposable meal service supplies shall be cleaned daily with a germicidal solution unless plastic liners are used and disposed of daily.
- m) Insect and rodent control shall be maintained.
- 1) All outside doors, operable windows, and other openings shall be screened. Doors with operable self-closing devices do not have to be screened.
- 2) Chemicals for insect and rodent control shall not be applied in areas accessible to children when children are present in the facility.
- n) The facility shall be cleaned daily and kept in a sanitary condition at all times.
- 1) The facility shall provide necessary cleaning and maintenance equipment.
- 2) Toys, table tops, furniture, and other similar equipment used by children shall be washed when they become soiled or contaminated with matter such as food, body secretions, or excrement.
- 3) Cleaning equipment, cleaning agents, aerosol cans, and other hazardous chemical substances shall be stored in a space designated solely for this purpose and shall be inaccessible to children.
- 4) Exit areas shall be kept clear of equipment and debris at all times.
- 5) There shall be no smoking in food preparation areas or in child care areas when children are present.
- 6) Major cleaning shall not be done while children are present.

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 7) Water tables and toys used in water tables shall be emptied daily and cleaned with a mild germicidal solution before being air-dried.
- o) Facilities shall provide a separate crib, bed, or cot and individual sheets and other bedding.
- 1) Cots, cribs, or beds used by children in a day care facility may be used for other children at night if separate sets of clean sheets and other bedding are provided to each user.
- 2) Clean sheets and blankets shall be provided at least once a week or as frequently as needed when wet or soiled.
- 3) Waterproof mattress covers or undersheets for cribs, beds, or canvas cots shall be provided for all children who are bedwetters.
- 4) Each cot, bed, or crib shall be identified with the name of the child.
- 5) Bed linens shall be tightly fitting and washable.
- p) Facilities and equipment shall be kept in safe repair so as not to expose children to hazardous situations.
- 1) Any interior or exterior painted surface including walls, floors, ceilings, equipment, toys, furnishings, and cribs shall be maintained in good order free of lead paint.
- 2) Electrical outlets within the reach of children up to age 5 shall be covered or be otherwise shockproof.
- q) Furnishings and equipment shall be durable, safe and scaled to the size of the children.
- 1) Child-size chairs shall be provided for preschool children.
- 2) Tables shall be of appropriate height and of a size to accommodate comfortably a small group of not more than 8-10 children.
- 3) Individual lockers, cubicles, or separate hooks and shelves shall be provided for the children's personal belongings.
- 4) Low, open shelves for play materials and books shall be provided and within easy reach of the children.
- 5) Storage for surplus toys and supplies not currently in use shall be provided.
- 6) A cot must be provided for each preschool-age child in an all-day program. Floor pillows, sofa, carpet, bean bag chairs, or padded chairs shall be provided for school-age children for lounging or resting.
- 7) A first aid kit and a chart or handbook of first aid instructions shall be available for staff use. The first aid kit shall consist of Band-Aids, sterile bandages, sterile compresses, adhesive tape, scissors, mild soap, magnifying glass with needles and tweezers for removing splinters.
- r) There shall be means for communication for emergency purposes.
- 1) An operable telephone shall be on the premises, easily accessible for use in an emergency and other communications.
- 2) A list of emergency telephone numbers, such as the fire



## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

department, police department, and emergency medical treatment, shall be posted next to the telephone.

- 3) Facilities operating on two or more floors shall have intercom service or other means of formal communications between floors.

(Source: Amended at 21 Ill. Reg. 923; effective

JAN 1 1997)

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of Part: Modified Guaranteed Annuity (MGA) Contracts
- 2) Code Citation: 50 Ill. Adm. Code 1410
- 3) Section Number:
- |         |                        |
|---------|------------------------|
| 1410.10 | <u>Adopted Action:</u> |
| 1410.20 | New Section            |
| 1410.30 | New Section            |
| 1410.40 | New Section            |
| 1410.50 | New Section            |
| 1410.60 | New Section            |
| 1410.70 | New Section            |
| 1410.80 | New Section            |

- 4) Statutory Authority: Implementing Article XIV and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/222 and 401].

- 5) Effective Date of Rule: January 3, 1997

- 6) Does this rule contain an automatic repeal date? No

- 7) Does this rule contain incorporations by reference? No

- 8) Date filed in Agency's Principal Office: January 3, 1997

- 9) Notice of Proposal Published in Illinois Register: July 26, 1996, 20 Ill. Reg. 9803

- 10) Has JCAR issued a Statement of Objections to this rule? No

- 11) Difference(s) between proposal and final version:

- a) In the heading of Subchapter s:, add "Insurance" after "Life".
- b) In Section 1410.30, in the definition of Modified Guaranteed Annuity, on the third line delete "(if permitted)" after "account".
- c) In Section 1410.60, number 5, on the fourth line add "(without regard to any surrender charges)" after "benefits".

- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? There were no substantive changes made by the agency during the Second Notice period.

- 13) Will this rule replace an emergency rule currently in effect? No

- 14) Are there any amendments pending on this Part? No

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of rulemaking: Part 1410 will establish required contract provisions for modified guaranteed annuity contracts funded through general accounts only. Part 1410 also provides guidelines for the use of sales materials for disclosure, does not require that the nonforfeiture provisions be adhered to for group annuities purchased under retirement plans, or plans of deferred compensation, or maintained by an employer other than a plan providing individual retirement accounts or individual retirement annuities, and provides that the assets supporting the MGA contracts are adequate to provide future guaranteed benefits.

Part 1410 also requires that insurers provide an annual report to their contractholder showing both accounts as well as cash surrender values.

16) Information and questions regarding this adopted rule shall be directed to:

Lee Woods  
Department of Insurance  
320 West Washington  
Springfield, Illinois 62767-0001  
(217) 782-7542

The full text of the Adopted Rule begins on the next page.

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

TITLE 50: INSURANCE  
CHAPTER I: DEPARTMENT OF INSURANCE  
SUBCHAPTER S: LEGAL RESERVE LIFE INSURANCE

PART 1410  
MODIFIED GUARANTEED ANNUITY (MGA) CONTRACTS

Section	
1410.10	Purpose
1410.20	Applicability
1410.30	Definitions
1410.40	Authority of Insurers
1410.50	Filing of Contracts
1410.60	Modified Guaranteed Annuity (MGA) Contract Requirements
1410.70	Reserve Liabilities
1410.80	Reports to Policyholders

AUTHORITY: Implementing Article XIV and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/222 et seq. and 401].

SOURCE: Adopted at 21 Ill. Reg. ~~93~~ <sup>93</sup>, effective

JAN 31 1993

## Section 1410.10 Purpose

The purpose of this Part is to establish the required contract provisions for modified guaranteed annuity contracts.

## Section 1410.20 Applicability

This Part shall apply to insurance producers who sell modified guaranteed annuity contracts and insurers who issue such contracts in this State.

## Section 1410.30 Definitions

Adjusted Minimum Nonforfeiture Amount means the minimum nonforfeiture amount as defined in Section 229.4 of the Illinois Insurance Code [215 ILCS 5/229.4] adjusted by the Market Value Adjustment.

Appointed Actuary means any individual who is appointed or retained in accordance with the requirements set forth in 50 Ill. Adm. Code 1408.40(c) to provide the actuarial opinion and supporting memorandum as required by Section 223(1a) of the Illinois Insurance Code [215 ILCS 5/223(1a)].

Code means the Illinois Insurance Code [215 ILCS 5/1 et seq.].

Director means the Director of the Department of Insurance.

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

Insurance Producer means an individual licensed pursuant to Article XXI of the Code [215 ILCS 5/490.1 et seq.] who solicits, negotiates, effects, procures, renews, continues or binds modified guaranteed annuity contracts in this State.

Insurer means any insurance company which has delivered or issued for delivery in this State a modified guaranteed annuity contract.

Interest Credit means all interest that is credited to the contract.

Market Value Adjustment (MVA) means a formula specified in the contract which adjusts the cash value of the contract. It reflects changes in prevailing interest rates and the time remaining until the date on which the cash surrender value is available without adjustment.

Minimum Nonforfeiture Amount means the minimum nonforfeiture amount as defined in Section 229.4 of the Code [215 ILCS 5/229.4].

Modified Guaranteed Annuity (MGA) means a fixed annuity, or a fixed portion of a combination annuity, that is funded through the general account and provides for guaranteed cash surrender values on specified dates or specified ages and with interim cash surrender values that are adjusted in accordance with an MVA.

**Section 1410.40 Authority of Insurers**

The following requirements apply to all insurers who have authority to issue MGA contracts in this State.

- a) Approval to do Business:
  - 1) No insurer shall deliver or issue for delivery any MGA contracts unless licensed to do life insurance or annuity business in this State.
  - 2) An insurer shall submit to the Director a general description of the kinds of annuities it intends to issue prior to the deliverance or issue of the contracts within this State.
- b) Use of Sales Materials:
  - 1) An insurer authorized to sell MGA contracts in this State shall not use any sales material, advertising material, descriptive literature or other materials of any kind in connection with the sale of MGA contracts in this State which are false, misleading, deceptive or inaccurate.
  - 2) Illustrations of benefits payable under any MGA contract shall not include projections of past investment experience into the future or attempted predictions of future investment experience, except that hypothetical assumed interest credits may be used to illustrate possible levels of benefits.
  - 3) Before any insurer shall deliver or issue for delivery any MGA

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

contract in this State, the Director may require the filing of a copy of other sales material to be used in connection with the marketing of the insurer's MGA contract. The sales material must clearly illustrate that there can be both upward and downward adjustments due to the application of the MVA formula in determining nonforfeiture benefits.

- c) Reports:
  - Any insurer authorized to transact the business of MGA contracts in this State shall submit to the Director such additional information concerning its MGA operations as the Director may deem necessary.
- d) Authority of Director to Disapprove:
  - Any material filed with and approved by the Director pursuant to Section 1410.60 of this Part shall be subject to disapproval if it is not in compliance with this Part. The Director must be satisfied that the insurer's condition or method of operation in connection with the issuance of MGA contracts will not render its operation hazardous to the public or its policyholders.

**Section 1410.50 Filing of Contracts**

The filing requirements applicable to MGA contracts shall be made pursuant to Section 143 of the Code [215 ILCS 5/143] and 50 Ill. Adm. Code 916. Filings shall include a demonstration that the nonforfeiture provisions of the contract comply with Section 229.4 of the Code [215 ILCS 5/229.4] and Section 1410.60(b) of this Part.

**Section 1410.60 Modified Guaranteed Annuity (MGA) Contract Requirements**

- a) Mandatory Contract Benefit and Design Requirements:

- 1) Any MGA contract delivered or issued for delivery in this State shall contain a statement of the procedures to be followed by the insurer in determining the dollar amount of nonforfeiture benefits.
- 2) No MGA contract calling for the payment of periodic stipulated payments shall be delivered or issued for delivery in this State unless it contains the following provisions:
  - A) A provision that there shall be a grace period of thirty (30) days or one month following the premium due date during which the contract shall remain in force and, within which any payment due to the insurer, other than the first, may be made. The contract may include a statement of the basis for determining the date as of which any such payment received during the grace period shall be applied to produce the values under the contract.
  - B) A provision that, at any time within one year from the date of default, the contract may be reinstated upon payment to the insurer of such overdue payments as required by the contract, and of all indebtedness to the insurer on the



## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

contract, including interest. Reinstatement may not occur if the cash value has been paid. The contract may include a statement of the basis for determining the date as of which the amount to cover such overdue payments and indebtedness shall be applied to produce the values under the contract.

- 3) The MVA formula, used in determining nonforfeiture benefits, must be stated in the contract and must be applicable for both upward and downward adjustments. When a contract is filed, it must be accompanied by an actuarial certification by a qualified actuary indicating the basis for the MVA formula and that the formula provides reasonable equity to both the contractholder and the insurer.

b) Nonforfeiture Benefits:

- 1) This subsection shall not apply to any of the contracts excluded in Section 229.4(1) of the Code [215 ILCS 5/229.4(1)].
- 2) Any paid-up annuity benefit available under an MGA contract shall be such that its present value on the annuity commencement date is at least equal to the Minimum Nonforfeiture Amount on that date. Such present value shall be computed using the mortality table, if any, and the guaranteed or assumed interest rates used in calculating the annuity payments.

- 3) For MGA contracts which provide cash surrender benefits, the cash surrender benefit at any time prior to the annuity commencement date shall not be less than the Adjusted Minimum Nonforfeiture Amount next computed after the request for surrender is received by the insurer. The death benefit under such contracts shall be at least equal to the cash surrender benefit. The contract may provide that the insurer may defer payment of such cash surrender benefit for a period of six (6) months after demand.

- 4) Any MGA contract which does not provide cash surrender benefits or does not provide death benefits at least equal to the Adjusted Minimum Nonforfeiture Amount prior to the annuity commencement date shall include a statement in a prominent place in the contract that such benefits are not provided.

- 5) For any MGA contract which provides, within the same contract by rider or supplemental contract provision, both annuity benefits and life insurance benefits that are in excess of the greater of cash surrender benefits (without regard to any surrender charges) or a return of the gross considerations with interest, the minimum nonforfeiture benefits shall be equal to the sum of the Adjusted Minimum Nonforfeiture Amount for the annuity portion and the minimum nonforfeiture benefits, if any, for the life insurance portion computed as if each portion were a separate contract.

c) The Application:

- The application for an MGA shall prominently set forth language stating that amounts payable under the contract are subject to a

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

market value adjustment prior to a date or dates specified in the contract. The statement shall be placed immediately above the signature line on the application.

Section 1410.70 Reserve Liabilities

- a) The reserve is the greater of (a)(1) or (a)(2) below:
  - 1) the cash surrender value at the date of valuation, excluding the effect of the MVA; or
  - 2) the present value of the contract benefits that are guaranteed, such present value assuming a "B" type contract as defined in Section 223(6)(c)(i)(C)(5) of the Code [215 ILCS 5/223(6)(c)(i)(C)(5)].
- b) Each year, the appointed actuary must provide an opinion on whether the assets supporting the MGA contracts are adequate to provide all future benefits that are guaranteed. The MVA formula, the interest guarantees and the degree to which projected cash flow of assets and liabilities are matched must also be considered.

Section 1410.80 Reports to Policyholders

Insurers will annually provide their contractholders with a report showing both the account value and the cash surrender value. The report must indicate the amount of any expense charges used to determine the account value and that the account value is determined prior to any adjustment(s) for surrender charges or the MVA formula. It should also specify the surrender charge and MVA and any other charges used to determine the cash surrender value.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Aid to Families with Dependent Children

2) Code Citation: 89 Ill. Adm. Code 112

3) Section Numbers:  
112.75 Adopted Action:  
New Section

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) Effective Date of Amendments: January 7, 1997

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: January 7, 1997

9) Notice of Proposal Published in Illinois Register: September 13, 1996 (20 Ill. Reg. 12326)

10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No

11) Differences between proposal and final version: No changes have been made in the text of the proposed amendments.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Amendments replace Emergency Amendments currently in effect?  
No

14) Are there any Amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
112.10	Amendment	January 10, 1997 (21 Ill. Reg. 549)
112.66	New Section	August 16, 1996 (20 Ill. Reg. 10766)
112.71	Amendment	August 30, 1996 (20 Ill. Reg. 11560)
112.98	Amendment	April 26, 1996 (20 Ill. Reg. 5965)
112.414	Amendment	October 11, 1996 (20 Ill. Reg. 13138)

15) Summary and Purpose of Amendments: On May 4, 1996, President Clinton announced a state and federal effort to strengthen teen parent responsibility. A key part of this effort is the use of a new comprehensive planning tool called the Teen Parent Personal Responsibility Plan. Use of the plan will enhance the Department's existing initiatives aimed at keeping young parents in school, preparing them for employment

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

and self-sufficiency, and preventing them from viewing welfare as a way of life.

On May 15, 1996, an Action Transmittal on Teen Parents was issued to the Department from the Department of Health and Human Services. This Action Transmittal requires the Department to develop personal responsibility plans for all teen parents required to participate in JOBS within six months from the date of the Action Transmittal. Expanding on the JOBS employability plan, this Action Transmittal requires the Personal Responsibility Plan (PRP) to be preceded by an assessment, set broad goals and then outline the specific steps the client and the Department will take to help the family achieve employment and self-sufficiency. The Action Transmittal dictates that the PRP should make absolutely clear to teen parents the responsibilities they must meet to receive AFDC and what services the Department agrees to provide to assist them. According to the Action Transmittal, the PRP should delineate family needs, the assigned JOBS activity, and necessary supportive services. The PRP must describe the respective responsibilities of the client and the Department to establish paternity and child support orders, to attend and complete school, and to improve parenting skills.

Based on the initial assessment that evaluates employment, educational, child care and other supportive service needs, as well as skills, prior work experience and employability, the Action Transmittal instructs the Department and the teen parent to develop a personal responsibility plan. It is suggested that this interaction will offer each teen parent the opportunity to understand how requirements affect his or her particular case. Developing PRPs will give teen parents a chance to contribute their own ideas about how they can achieve self-sufficiency. The PRP will also remind the teen parent that establishing paternity and child support for his or her children, finishing school and then finding work quickly is paramount to becoming self-sufficient. In this way, PRPs reinforce state-designed welfare reform and cultural change activities taking place across the country.

The Action Transmittal indicates that requiring teen parents to develop personal responsibility plans will send important messages to young parents. In order for the system of mutual responsibility to work, teen parents must see that requirements are real and enforceable. Teen parents who fail, without good cause, to participate in their assigned JOBS activity - to stay in school, to attend job training programs or to look for work - should be identified quickly and appropriately sanctioned in accordance with 45 CFR 250.34.

These amendments establish that all young parents that are required to participate in Teen Parent Initiative/Young Parent Services (TPI/YPS) must complete a mandatory Personal Responsibility Plan (PRP). The PRP will describe the responsibilities of both the young parent and the Department

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

in the young parent's plan to become self-supporting.

As a result of this rulemaking, a young parent who is required to participate in the TPI/YPS program must complete a PRP. The PRP will be preceded by an assessment and will delineate family needs, the assigned TPI/YPS activity and necessary supportive services. The PRP will describe the young parent's goals and the Department's role in assisting the young parent to achieve the following goals:

1. attending school and completing a high school education;
2. establishing paternity for the young parent's child or children and obtaining child support;
3. participating in program activities designed to improve parenting and life skills; and
4. seeking and obtaining full-time employment.

Both the young parent and the TPI/YPS case manager must sign the form. If a young parent fails to complete the PRP, the individual's needs will be removed from the AFDC grant as follows:

1. in the first instance, until the failure to comply ends;
2. in the second instance, until the failure to comply ends or three months, whichever is longer;
3. in the third or subsequent instance, the longer of six months or until the failure to comply ends.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Judy Umunna  
Bureau of Rules and Regulations  
Illinois Department of Public Aid  
100 South Grand Avenue East, Third Floor  
Springfield, IL 62762  
217/524-0081

The full text of the Adopted Amendments begins on the next page:

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 112  
AID TO FAMILIES WITH DEPENDENT CHILDREN

## SUBPART A: GENERAL PROVISIONS

Section	
112.1	Description of the Assistance Program
112.5	Incorporation by Reference

## SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	
112.8	Caretaker Relative
112.9	Client Cooperation
112.10	Citizenship
112.20	Residence
112.30	Age
112.40	Relationship
112.50	Living Arrangement
112.52	Social Security Numbers
112.54	Assignment of Medical Support Rights
112.60	Lack of Parental Support or Care
112.61	Death of a Parent
112.62	Incapacity of a Parent
112.63	Continued Absence of a Parent
112.64	Unemployment of the Parent
112.65	Employment Plan
112.67	Restriction in Payment to Households Headed by a Minor Parent

## SUBPART C: JOB OPPORTUNITIES AND BASIC SKILLS TRAINING (JOBS) PROGRAM

Section	
112.70	Participation Requirements for JOBS
112.71	Individuals Exempt from JOBS
112.72	JOBS Participation/Cooperation Requirements
112.73	Adolescent Parent Program
112.74	JOBS Initial Assessment Process/Development of an Employability Plan
112.75	Teen Parent Personal Responsibility Plan
112.76	JOBS Orientation
112.77	Conciliation and Fair Hearings
112.78	JOBS Components
112.79	JOBS Sanctions
112.80	Good Cause for Failure to Comply with JOBS Participation Requirements
112.81	Responsible Relative Eligibility for JOBS



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

112.82	JOB Supportive Services
112.83	Young Parents Program
112.84	Work Experience Evaluation Project
112.85	Four Year College/Vocational Training Demonstration Project
SUBPART E: PROJECT ADVANCE	
Section	
112.86	Project Advance
112.87	Project Advance Experimental and Control Groups
112.88	Project Advance Participation Requirements of Experimental Group
	Members and Adjudicated Fathers
112.89	Project Advance Cooperation Requirements of Experimental Group
	Members and Adjudicated Fathers
112.90	Project Advance Sanctions
112.91	Good Cause for Failure to Comply with Project Advance
112.93	Individuals Exempt From Project Advance
112.95	Project Advance Supportive Services

## SUBPART F: EXCHANGE PROGRAM

Section	
112.98	Exchange Program
SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY	
Section	
112.100	Unearned Income
112.101	Unearned Income of Stepparent or Parent
112.105	Budgeting Unearned Income
112.106	Budgeting Unearned Income of Applicants Employed On Date of Application And/Or Date Of Decision
112.107	Initial Receipt of Unearned Income
112.108	Exempt Unearned Income
112.110	Education Benefits
112.115	Incentive Allowances
112.120	Unearned Income In-Kind
112.125	Earmarked Income
112.126	Lump Sum Payments
112.127	Protected Income
112.128	Earned Income
112.130	Earned Income Tax Credit
112.131	Budgeting Earned Income
112.132	Budgeting Earned Income of Applicants Employed On Date of Application And/Or Date Of Decision
112.133	Initial Employment
112.134	Budgeting Earned Income For Contractual Employees
112.135	

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

112.136	Budgeting Earned Income For Non-Contractual School Employees
112.137	Termination of Employment
112.138	Transitional Payments (Repealed)
112.140	Exempt Earned Income
112.141	Earned Income Exemption
112.142	Exclusion From Earned Income Exemption
112.143	Recognized Employment Expenses
112.144	Income From Work/Study/Training Program
112.145	Earned Income From Self-Employment
112.146	Earned Income From Roomer and Boarder
112.147	Income From Rental Property
112.148	Payments from the Illinois Department of Children and Family Services
112.149	Earned Income In-Kind
112.150	Assets
112.151	Exempt Assets
112.152	Asset Disregards
112.153	Deferral of Consideration of Assets
112.154	Property Transfers (Repealed)
112.155	AFDC Income Limit

## SUBPART H: PAYMENT AMOUNTS

Section	
112.250	Grant Levels
112.251	Payment Levels in AFDC
112.252	Payment Levels in AFDC Group I Counties
112.253	Payment Levels in AFDC Group II Counties
112.254	Payment Levels in AFDC Group III Counties
SUBPART I: OTHER PROVISIONS	
Section	
112.300	Persons Who May Be Included in the Assistance Unit
112.301	Presumptive Eligibility
112.302	Monthly Reporting
112.303	Retrospective Budgeting
112.304	Budgeting Schedule
112.305	Strikers
112.306	Foster Care Program
112.307	Responsibility of Sponsors of Aliens
112.308	Special Needs Authorizations
112.309	Institutional Status
112.315	Young Parent Program (Renumbered)
112.320	Redetermination of Eligibility
112.330	Extension of Medical Assistance Due to Increased Income from Employment
112.331	Four Month Extension of Medical Assistance Due to Child Support Collections

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)

112.340 New Start Payments to Individuals Released from Department of Corrections Facilities

## SUBPART J: CHILD CARE

## Section

112.350 Child Care

112.352 Child Care Eligibility

112.354 Qualified Provider

112.356 Notification of Available Services

112.358 Participant Rights and Responsibilities

112.362 Additional Service to Secure or Maintain Child Care Arrangements

112.364 Rates of Payment for Child Care

112.366 Method of Providing Child Care

112.370 Non-JOBS Education and Training Program

## SUBPART K: TRANSITIONAL CHILD CARE

## Section

112.400 Transitional Child Care Eligibility

112.404 Duration of Eligibility for Transitional Child Care

112.406 Loss of Eligibility for Transitional Child Care

112.408 Qualified Child Care Providers

112.410 Notification of Available Services

112.412 Participant Rights and Responsibilities

112.414 Child Care Overpayments and Recoveries

112.416 Fees for Service for Transitional Child Care

112.418 Rates of Payment for Transitional Child Care

**AUTHORITY:** Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

**SOURCE:** Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13,

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27,

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11552, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. 8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18 Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill. Reg. 998, effective October 17, 1994; amended at 19 Ill. Reg. 2845, effective February 24, 1995; amended at 19 Ill. Reg. 5609, effective March 31, 1995; amended at 19 Ill. Reg. 7883, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 10206, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12011, effective August 7, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 12664, effective September 1, 1995; emergency amendment at 19 Ill. Reg. 15244, effective November 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15661, effective November 3, 1995; emergency amendment at 19 Ill. Reg. 15839, effective November 15, 1995, for a maximum of



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

150 days; emergency amendment at 19 Ill. Reg. 16295, effective December 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 845, effective January 1, 1996; amended at 20 Ill. Reg. 3538, effective February 15, 1996; amended at 20 Ill. Reg. 5648, effective March 30, 1996; amended at 20 Ill. Reg. 6018, effective April 12, 1996; amended at 20 Ill. Reg. 6498, effective April 29, 1996; amended at 20 Ill. Reg. 7892, effective June 1, 1996; emergency amendment at 20 Ill. Reg. 12499, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14820, effective November 1, 1996; amended at 20 Ill. Reg. 15983, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 662, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 940 ≡, effective JAN 7 1997.

## SUBPART C: JOB OPPORTUNITIES AND BASIC SKILLS TRAINING (JOBS) PROGRAM

## Section 112.75 Teen Parent Personal Responsibility Plan

- a) A young parent, who is required to participate in the Teen Parent Initiative/Young Parent Services (TPI/YPS) Program, must complete a Teen Parent Personal Responsibility Plan. The plan is completed as part of the JOBS Program assessment process. For young parents who have already completed an initial assessment, the plan must be completed as part of a reassessment by November 15, 1996.
- b) The Teen Parent Personal Responsibility Plan defines the responsibilities the young parent must meet to receive AFDC cash assistance and what services the Department agrees to provide. The plan outlines family needs, the required TPI/YPS activities and necessary supportive services. The plan must be signed by both the young parent and the TPI/YPS case manager. The plan sets the following goals for the young parent and describes how the Department will help the young parent meet these goals:
- 1) attend school to complete a high school education;
  - 2) establish paternity for the young parent's child or children and obtain child support;
  - 3) improve the young parent's parenting skills; and
  - 4) seek and obtain full-time employment.

c) Completion of the Teen Parent Personal Responsibility Plan is a JOBS Program requirement for TPI/YPS participants. Failure to cooperate in completing the plan shall result in a JOBS Program sanction, as described in Section 112.79, if conciliation is not successful.

(Source: Added JAN 7 1997 at 21 Ill. Reg. 940 ≡, effective

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Claiming Races
- 2) Code Citation: 11 Ill. Adm. Code 510
- 3) Section Number: Adopted Action:  
510.195 New Section
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rule: January 7, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No
- 8) Date filed in Agency's Principal Office: December 20, 1996
- 9) Notice of Proposal Published in Illinois Register: 20 Ill. Reg. 10548 - 8/9/96
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Differences between proposal and final version: Changed "11 Ill. Adm. Code" to "pursuant to Section" before "510.200"; added "of this Part" after "510.200". Changed "11 Ill. Adm. Code" to "pursuant to Section" before "510.210"; added "of this Part" after "510.210".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? Yes
- 13) Will these amendments replace emergency amendments currently in effect? No
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of rules: This rule establishes the procedure for counting days after a claim to determine eligibility for racing at a different location or when a horse may be sold or transferred.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Gina DiCaro  
Illinois Racing Board  
100 W. Randolph, Ste. 11-100  
Chicago, IL 60601  
(312) 814-2600

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

The full text of the adopted amendments begins on the next page:

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER c: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

## PART 510

## CLAIMING RACES

Section	Definition
510.10	Claiming Eligibility
510.20	Form and Deposit of Claim
510.30	Errors which Invalidate Claim
510.40	Refund of Voided Claim
510.50	Prohibited Action with Respect to Claim
510.60	Horses under Lien
510.70	Affidavit May be Required
510.80	Claimant's Responsibility
510.90	Claimed Horse's Certificate
510.100	Engagements of a Claimed Horse
510.110	Protests of a Claim
510.120	Title to a Claimed Horse
510.130	Distribution of the Purse
510.140	Delivery of a Claimed Horse
510.150	Trainer Responsibility for Post-Race Tests
510.160	Excusing Claimed Horse
510.170	Stable Eliminated by Fire or Other Hazard
510.180	Entering Claimed Horse (Repealed)
510.190	Determining Eligibility Dates
510.195	Claimed Horse Racing Elsewhere
510.200	Sale of a Claimed Horse
510.210	Illinois Rules Govern Claimed Horse
510.220	Extension of Regular Meeting (Repealed)
510.230	Claiming Authorization
510.240	

AUTHORITY: Implementing and authorized by the Illinois Horse Racing Act of 1975 [230 ILCS 5].

SOURCE: Adopted at 5 Ill. Reg. 1686, effective February 16, 1981; amended at 5 Ill. Reg. 8300, effective August 5, 1981; codified at 5 Ill. Reg. 10911; amended at 7 Ill. Reg. 2167, effective February 4, 1983; amended at 7 Ill. Reg. 3197, effective March 14, 1983; amended at 8 Ill. Reg. 14992, effective August 6, 1984; amended at 14 Ill. Reg. 17636, effective October 16, 1990; amended at 17 Ill. Reg. 12423, effective July 15, 1993; amended at 17 Ill. Reg. 13612, effective July 30, 1993; amended at 18 Ill. Reg. 2064, effective January 21, 1994; amended at 18 Ill. Reg. 11607, effective July 7, 1994; amended at 19 Ill. Reg. 13887, effective October 1, 1995; amended at 20 Ill. Reg. 12423, effective September 1, 1996; amended at 21 Ill. Reg. 931, effective

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

JAN 2 1997

Section 510.195 Determining Eligibility Dates

To determine the date when a claimed horse is eligible to race at a different location pursuant to Section 510.200 of this Part or may be sold or transferred pursuant to Section 510.210 of this Part, the counting of days shall begin on the day after the horse is claimed and shall continue through the expiration of the time period provided (e.g., a horse may be sold or transferred on the 31st day after the claim pursuant to Section 510.210 of this Part).

(Source: Added at 20 Ill. Reg. **951** effective  
JAN 7 1997)

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Pari-Mutuels
- 2) Code Citation: 11 Ill. Adm. Code 300
- 3) Section Number: 300.40 Adopted Action: Amendment
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rule: January 7, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No
- 8) Date filed in Agency's Principal Office: December 20, 1996
- 9) Notice of Proposal Published in Illinois Register: 20 Ill. Reg. 12333 - 9/13/96
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Differences between proposal and final version: Changed "licensee" to "licensees" in sub-section (b). Removed "it has" from sub-section (d).
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? Yes
- 13) Will these amendments replace emergency amendments currently in effect? Yes
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of rules: This amendment requires the organization licensee to monitor the out-of-state locations accepting wagers on Illinois pools to ensure that the Illinois minimum purchase prices are enforced.
- 16) Information and questions regarding these adopted amendments shall be directed to:  
Gina DiCaro  
Illinois Racing Board, Legal Department  
100 West Randolph, Suite 11-100  
Chicago Illinois 60601

The full text of the adopted amendments begins on the next page:



## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER a: GENERAL RULES

## PART 300

## PARI-MUTUELS

Section	
300.10	General
300.20	Records
300.30	Pari-Mutuel Tickets
300.40	Pari-Mutuel Wagers
300.50	Pari-Mutuel Races
300.60	Advanced Wagering
300.70	Scratches or Non-Starter
300.80	Pools Dependent Upon Betting Interests
300.90	Minimum Payoff
300.100	Pari-Mutuel Complaints

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 19 Ill. Reg. 13935, effective October 1, 1995; emergency amendment at 20 Ill. Reg. 12522, effective September 1, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. ~~955-2-3~~ effective JAN 1 1997.

## Section 300.40 Pari-Mutuel Wagers

- a) The minimum pari-mutuel wager for win, place or show shall be \$2, unless otherwise approved by the Board. The minimum pari-mutuel wager for all other pools shall not exceed \$3, nor be less than \$1, unless otherwise approved by the Board.
- b) All organization, intertrack and intertrack wagering location licensees shall offer the same types of pari-mutuel pools and minimum pari-mutuel prices at both manned and unmanned terminals, unless specifically restricted by Board rule (e.g., tickets may not be exchanged at unmanned ticket issuing machines).
- c) All intertrack wagering facilities shall establish and maintain minimum purchase prices of pari-mutuel wagers that are the same as those offered by the organization licensee providing the simulcast.
- d) All organization licensees shall require out-of-state wagering facilities to maintain the same minimum purchase prices of pari-mutuel wagers established for Illinois licensees. If it is determined that an out-of-state wagering facility has not maintained the same minimum purchase price of pari-mutuel wagers, the organization licensee shall

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

be subject to civil penalties pursuant to Section 5/9(1) of the Act [230 ILCS 5/9(1)]. This Section shall apply only to organization licensees conducting commingled or combined wagering pools with out-of-state wagering facilities.

e) All intertrack wagering facilities shall offer the same pari-mutuel pools as offered by the organization providing the simulcast.

(Source: Amended at 21 Ill. Reg. ~~955-2-3~~ effective JAN 1 1997.)

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3) Section Numbers: 100.2580  
Adopted Action: New Section
- 4) Statutory Authority: 35 ILCS 203 and P.A. 88-648
- 5) Effective Date of Amendment(s): January 6, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: January 6, 1997
- 9) Notice of Proposal Published in Illinois Register: September 20, 1996, 20 Ill. Reg. 12575
- 10) Has JCAR issued a Statement of Objections to these Amendments? No
- 11) Differences between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect?  
No
- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Amendment(s): Public Act 88-648 established the Medical Care Savings Account Program. A Medical Care Savings Account is an account established in this State to pay the eligible medical expenses of an employee and his or her dependents. This rulemaking sets forth the Department's policies and procedures with respect to Medical Care Savings Accounts.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Keith Staats  
Associate Chief Counsel (Income Tax)  
Illinois Department of Revenue  
Legal Services Office

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

101 West Jefferson  
Springfield, Illinois 62794  
217/782-6996

The full text of the Adopted Amendment begins on the next page:

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE  
CHAPTER I: DEPARTMENT OF REVENUEPART 100  
INCOME TAX

## SUBPART A: TAX IMPOSED

Section  
100.2000  
100.2000  
100.2050

Introduction  
Net Income (IITA Section 202)

## SUBPART B: CREDITS

Section  
100.2100  
100.2101  
100.2110  
100.2120  
100.2130  
100.2140  
100.2150  
100.2160  
100.2170  
100.2180

Replacement Tax Investment Credit Prior to January 1, 1994 (IITA 201(e))  
Replacement Tax Investment Credit (IITA 201(e))  
Investment Credit; Enterprise Zone (IITA 201(f))  
Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone (IITA 201(g))  
Investment Credit; High Impact Business (IITA 201(h))  
Credit Against Income Tax for Replacement Tax (IITA 201(i))  
Training Expense Credit (IITA 201(j))  
Research and Development Credit (IITA 201(k))  
Tax Credits for Coal Research and Coal Utilization Equipment (IITA 206)  
Credit for Residential Real Property Taxes (IITA 208)

SUBPART C: NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS  
OCCURRING PRIOR TO DECEMBER 31, 1986

Section  
100.2200

Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) - Scope  
Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Definitions  
Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Current Net Operating Losses; Offsets Between Members

100.2230  
100.2240

Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Carrybacks and Carryforwards  
Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

Business Group: (IITA Section 202) - Effect of Combined Net Operating Loss in Computing Illinois Base Income  
Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Deadline for Filing Claims Based on Net Operating Losses Carried Back From a Combined Apportionment Year

100.2250

SUBPART D: ILLINOIS NET LOSS DEDUCTIONS OCCURRING ON OR AFTER  
DECEMBER 31, 1986

Section  
100.2300  
100.2310  
100.2320  
100.2330  
100.2340  
100.2350

Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986  
Computation of the Illinois Net Loss Deduction  
Determination of the Amount of Illinois Net Loss Carryovers  
Illinois Net Loss Carrybacks and Net Loss Carryovers  
Illinois Net Loss Deductions of Corporations That are Members of a Unitary Business Group: Separate Unitary Versus Combined Unitary Returns  
Illinois Net Loss Deductions of Corporations that are Members of a Unitary Business Group: Changes in Membership

SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF INDIVIDUALS,  
CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS

Section  
100.2470

Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))

## SUBPART F: BASE INCOME OF INDIVIDUALS

Section  
100.2580  
100.2590

Medical Care Savings Accounts (IITA Sections 203(a)(2)(D-5), 203(a)(2)(S) and 203(a)(2)(T))  
Taxation of Certain Employees of Railroads, Motor Carriers, Air Carriers and Water Carriers

## SUBPART G: BASE INCOME OF TRUSTS AND ESTATES

Section  
100.2680

Capital Gain Income of Estates and Trusts Paid to or Permanently Set Aside for Charity

SUBPART I: GENERAL RULES OF ALLOCATION AND APPORTIONMENT OF  
BASE INCOME



## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

Section  
100.3000 Terms Used in Article 3 (IITA Section 301)  
100.3010 Business and Nonbusiness Income (IITA Section 301)  
100.3020 Resident (IITA Section 301)

## SUBPART J: COMPENSATION PAID TO NONRESIDENTS

Section  
100.3100 Compensation (IITA Section 302)  
100.3110 State (IITA Section 302)  
100.3120 Allocation of Compensation Paid to Nonresidents (IITA Section 302)

## SUBPART K: NON-BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section  
100.3200 Taxability in Other State (IITA Section 303)  
100.3210 Commercial Domicile (IITA Section 303)  
100.3220 Allocation of Certain Items of Nonbusiness Income by Persons Other than Residents (IITA Section 303)

## SUBPART L: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section  
100.3300 Allocation and Apportionment of Base Income (IITA Section 304)  
100.3310 Business Income of Persons Other than Residents (IITA Section 304) - In General  
100.3320 Business Income of Persons Other Than Residents (IITA Section 304) - Apportionment  
100.3330 Business Income of Persons Other Than Residents (IITA Section 304) - Allocation  
100.3340 Business Income of Persons Other Than Residents (IITA Section 304)  
100.3350 Property Factor (IITA Section 304)  
100.3360 Payroll Factor (IITA Section 304)  
100.3370 Sales Factor (IITA Section 304)  
100.3380 Special Rules (IITA Section 304)  
100.3390 Petitions for Alternative Allocation or Apportionment (IITA Section 304(f))

## SUBPART N: TIME AND PLACE FOR FILING RETURNS

Section  
100.5000 Time for Filing Returns: Individuals (IITA Section 505)  
100.5010 Place for Filing Returns: All Taxpayers (IITA Section 505)  
100.5020 Extensions of Time for Filing Returns: All Taxpayers (IITA Section 505)  
100.5030 Taxpayer's Notification to the Department of Certain Federal Changes Arising in Federal Consolidated Return Years, and Arising in Certain Loss Carryback Years (IITA Section 506)

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

## SUBPART O: COMPOSITE RETURNS

Section  
100.5100 Composite Returns: Eligibility  
100.5110 Composite Returns: Responsibilities of Authorized Agent  
100.5120 Composite Returns: Individual Liability  
100.5130 Composite Returns: Required forms and computation of Income  
100.5140 Composite Returns: Estimated Payments  
100.5150 Composite Returns: Tax, Penalties and Interest  
100.5160 Composite Returns: Credit for Resident Individuals  
100.5170 Composite Returns: Definition of a "Lloyd's Plan of Operation"

## SUBPART P: COMBINED RETURNS

Section  
100.5200 Election to File a Combined Return  
100.5210 Procedure for Making the Election  
100.5220 Designated Agent for the Members  
100.5230 Combined Estimated Tax Payments  
100.5240 Claims for Credit of Overpayments  
100.5250 Liability for Combined Tax, Penalty and Interest  
100.5260 Combined Amended Returns  
100.5270 Computation of Combined Income and Tax  
100.5280 Definitions and Miscellaneous Provisions Relating to Combined Returns

## SUBPART Q: REQUIREMENT AND AMOUNT OF WITHHOLDING

Section  
100.7000 Requirement of Withholding (IITA Section 701)  
100.7010 Compensation Paid in this State (IITA Section 701)  
100.7020 Transacting Business Within this State (IITA Section 701)  
100.7030 Payments to Residents (IITA Section 701)  
100.7040 Employer Registration (IITA Section 701)  
100.7050 Computation of Amount Withheld (IITA Section 701)  
100.7060 Additional Withholding (IITA Section 701)  
100.7070 Voluntary Withholding (IITA Section 701)  
100.7080 Correction of Underwithholding or Overwithholding (IITA Section 701)  
100.7090 Reciprocal Agreement (IITA Section 701)  
100.7095 Cross References

## SUBPART R: AMOUNT EXEMPT FROM WITHHOLDING

Section  
100.7100 Withholding Exemption (IITA Section 702)  
100.7110 Withholding Exemption Certificate (IITA Section 702)  
100.7120 Exempt Withholding Under Reciprocal Agreements (IITA Section 702)

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

## SUBPART S: INFORMATION STATEMENT

Section  
100.7200

Reports for Employee (IITA Section 703)

## SUBPART T: EMPLOYER'S RETURN AND PAYMENT OF TAX WITHHELD

Section

100.7300 Returns of Income Withheld from Wages (IITA Section 704)  
100.7310 Quarterly Returns Filed on an Annual Basis (IITA Section 704)  
100.7320 Time for Filing Returns (IITA Section 704)  
100.7330 Payment of Tax Deducted and Withheld (IITA Section 704)  
100.7340 Correction of Underwithholding or Overwithholding (IITA Section 704)

## SUBPART U: COLLECTION AUTHORITY

Section

100.9000 General Income Tax Procedures (IITA Section 901)  
100.9010 Collection Authority (IITA Section 901)

## SUBPART V: NOTICE AND DEMAND

Section

100.9100 Notice and Demand (IITA Section 902)

## SUBPART W: ASSESSMENT

Section

100.9200 Assessment (IITA Section 903)  
100.9210 Waiver of Restrictions on Assessments (IITA Section 907)

## SUBPART X: DEFICIENCIES AND OVERPAYMENTS

Section

100.9300 Deficiencies and Overpayments (IITA Section 904)  
100.9310 Application of Tax Payments Within Unitary Business Groups (IITA Section 603)  
100.9320 Limitations on Notices of Deficiency (IITA Section 905)  
100.9330 Further Notices of Deficiency Restricted (IITA Section 906)

## SUBPART Y: CREDITS AND REFUNDS

Section

100.9400 Credits and Refunds (IITA Section 909)  
100.9410 Limitations on Claims for Refund (IITA Section 911)  
100.9420 Recovery of Erroneous Refund (IITA Section 912)

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

## SUBPART Z: INVESTIGATIONS AND HEARINGS

Section

100.9500 Access to Books and Records (IITA Section 913)  
100.9505 Access to Books and Records -- 60-Day Letters (IITA Section 913)  
100.9510 Taxpayer Representation and Practice Requirements  
100.9520 Conduct of Investigations and Hearings

## SUBPART AA: JUDICIAL REVIEW

Section

100.9600 Administrative Review Law (IITA Section 1201)

## SUBPART BB: DEFINITIONS

Section

100.9700 Unitary Business Group Defined (IITA Section 1501)

Section

100.9800 Letter Ruling Procedures

## APPENDIX A Business Income Of Persons Other Than Residents

TABLE A Example of Unitary Business Apportionment

TABLE B Example of Unitary Business Apportionment for Groups Which Include Members Using Three-Factor and Single-Factor Formulas

AUTHORITY: Implementing the Medical Care Savings Account Act [820 ILCS 152] and the Illinois Income Tax Act [35 ILCS 5] and authorized by Section 1401 of the Illinois Income Tax Act [35 ILCS 5/1401].

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49 p. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4642, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill.

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6981, effective May 7, 1996; amended at 20 Ill. Reg. 10706, effective July 29, 1996; amended at 20 Ill. Reg. 13365, effective September 27, 1996; amended at 20 Ill. Reg. 14617, effective October 29, 1996; amended at 21 Ill. Reg. ~~958~~ 958, effective ~~1997~~ JAN 6 1997.

## SUBPART F: BASE INCOME OF INDIVIDUALS

## Section 100.2580 Medical Care Savings Accounts (ITA Sections 203(a)(2)(D-5), 203(a)(2)(S) and 203(a)(2)(T))

a) For the purposes of this Section, "Act" means the Medical Care Savings Account Act [820 ILCS 152].

b) "Medical care savings account" or "account" means an account established in this State pursuant to a medical care savings account program to pay the eligible medical expenses of an employee and his or her dependents. (Section 5 of the Act) An employer, except as otherwise provided by statute, contract, or a collective bargaining agreement, may offer a medical care savings account program to the employer's employees.

c) A medical care savings account program must include the following:

- 1) The purchase by an employer of a qualified higher deductible health plan for the benefit of an employee and his or her dependents. (Section 5 of the Act)
- 2) The contribution on behalf of an employee into a medical care savings account by his or her employer of all or part of the premium differential realized by the employer based on the purchase of a qualified higher deductible health plan for the benefit of the employee. An employer that did not previously provide a health coverage policy, certificate, or contract for

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

his or her employees may contribute all or part of the deductible of the plan purchased pursuant to subsection(b)(1), above. For 1994, a contribution under this Section may not exceed \$6,000 for 2 taxpayers filing a joint return, if each taxpayer has a medical care savings account but neither is covered by the other's health coverage, or \$3,000 in all other cases. These maximum amounts shall be adjusted annually by the Department of Revenue to reflect increases in the consumer price index for the United States as defined and officially reported by the United States Department of Labor. (Section 5 of the Act)

A) The Department will announce adjustments in the maximum amounts, as well as in the minimum higher deductible, by annual publication of a Notice of Public Information in the Illinois Register.

B) The Consumer Price Index (CPI) annual average for all urban consumers was 144.5 for calendar year 1993 and 148.2 for calendar year 1994. Therefore, the thresholds established under the Act were adjusted upward by 2% for 1995. Hence, for 1995, the minimum higher deductible is \$1026, the maximum higher deductible is \$3078, the maximum contribution for 2 taxpayers filing a joint return is \$6156 and the maximum contribution for all others is \$3078.

3) An account administrator to administer the medical care savings account from which payment of claims is made. Not more than 30 days after an account administrator begins to administer an account, the administrator shall notify in writing each employee on whose behalf the administrator administers an account of the date of the last business day of the administrator's business year.

d) Section 5 of the Act contains a number of definitions.

1) "Account administrator" means any of the following:

- A) A national or state chartered bank, a federal or state chartered savings and loan association, a federal or state chartered savings bank, or a federal or state chartered credit union.
- B) A trust company authorized to act as a fiduciary.
- C) An insurance company authorized to do business in this State under the Illinois Insurance Code or a health maintenance organization authorized to do business in this State under the Health Maintenance Organization Act.
- D) A dealer, salesperson, or investment adviser registered under the Illinois Securities Law of 1953.
- E) An administrator as defined in Section 511.101 of the Illinois Insurance Code who is licensed under Article XXXI 1/4 of that Code.
- F) A certified public accountant registered under the Illinois Public Accounting Act.
- G) An attorney licensed to practice in this State.



## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

- H) An employer, if the employer has a self-insured health plan under the federal Employee Retirement Income Security Act of 1974 (ERISA).
- I) An employer that participates in the medical care savings account program.
- 2) "Deductible" means the total deductible for an employee and all the dependents of that employee for a calendar year.
- 3) "Dependent" means the spouse of the employee or a child of the employee if the child is any of the following:
- A) under 19 years of age, or under 23 years of age and enrolled as a full-time student at an accredited college or university,
- B) legally entitled to the provision of proper or necessary subsistence, education, medical care, or other care necessary for his or her health, guidance, or well-being and not otherwise emancipated, self-supporting, married, or a member of the armed forces of the United States, or
- C) mentally or physically incapacitated to the extent that he or she is not self-sufficient.
- 4) "Domicile" means a place where an individual has his or her true, fixed, and permanent home and principal establishment, to which, whenever absent, he or she intends to return. Domicile continues until another permanent home or principal establishment is established.
- 5) "Eligible medical expense" means an expense paid by the taxpayer for medical care described in Section 213(d) of the Internal Revenue Code.
- 6) "Employee" means the individual for whose benefit or for the benefit of whose dependents a medical care savings account is established. Employee includes a self-employed individual.
- 7) "Higher deductible" means a deductible of not less than \$1,000 and not more than \$3,000 for 1994. This minimum and maximum shall be adjusted annually by the Department of Revenue to reflect increases in the consumer price index for the United States as defined and officially reported by the United States Department of Labor.
- 8) "Qualified higher deductible health plan" means a health coverage policy, certificate, or contract that provides for payments for covered benefits that exceed the higher deductible and that is purchased by an employer for the benefit of an employee for whom the employer makes deposits into a medical care savings account.
- e) Before making any contribution to an account, an employer that offers a medical care savings account program shall inform all its employees in writing of the federal tax status of contributions made. (Section 10(b) of the Act) The contributions made pursuant to the Medical Care Savings Account Act will be taxable federally unless and to the extent the medical care savings account qualifies as a tax-favored medical savings account under the terms of federal P.L. 104-193.

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

f) Use of Account Moneys

- 1) The account administrator shall utilize the moneys held in a medical care savings account solely for the purpose of paying the medical expenses of the employee or his or her dependents or to purchase a health coverage policy, certificate, or contract if the employee does not otherwise have health insurance coverage. Moneys held in a medical care savings account may not be used to cover medical expenses of the employee or his or her dependents that are otherwise covered, including but not limited to medical expenses covered pursuant to an automobile insurance policy, worker's compensation insurance policy or self-insured plan, or another health coverage policy, certificate, or contract. (Section 15(a) of the Act)
- 2) The employee may submit documentation of medical expenses paid by the employee in the tax year to the account administrator, and the account administrator shall reimburse the employee from the employee's account for eligible medical expenses. (Section 15(b) of the Act)
- 3) If an employer makes contributions to a medical care savings account program on a periodic installment basis, the employer may advance to an employee, interest free, an amount necessary to cover medical expenses incurred that exceed the amount in the employee's medical care savings account when the expense is incurred if the employee agrees to repay the advance from future installments or when he or she ceases to be an employee of the employer. (Section 15(c) of the Act)
- 4) Upon the death of the employee, the account administrator shall distribute the principal and accumulated interest of the medical care savings account to the estate of the employee. (Section 20(d) of the Act)
- g) Illinois Income Tax Consequences
- 1) Except as provided in subsection (f)(2) above, principal contributed to and interest earned on a medical care savings account and money reimbursed to an employee for eligible medical expenses are exempt from taxation under the Illinois Income Tax Act and shall be a modification decreasing federal adjusted gross income in arriving at Illinois taxable income of the employee for the taxable year.
- 2) Notwithstanding subsection (f)(3), and subject to subsection (f)(4), an employee may withdraw money from his or her medical care savings account for any purpose other than a purpose described in subsection (f)(1) above only on the last business day of the account administrator's business year. Money withdrawn pursuant to this subsection (g)(2) shall be a modification increasing federal adjusted gross income in arriving at Illinois taxable income of the employee in the taxable year of the withdrawals. (Section 20(a) of the Act)
- 3) If the employee withdraws money for any purpose other than a

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

purpose described in subsection (f)(1) above at any other time, all of the following apply:

- A) The amount of the withdrawal shall be a modification increasing federal adjusted gross income in arriving at Illinois taxable income of the employee in the taxable year of the withdrawal.
- B) The administrator shall withhold and on behalf of the employee shall pay a penalty to the Department equal to 10% of the amount of the withdrawal. (Section 20(a)(2) of the Act). The administrator must remit the penalty to the Department along with a copy of Form IL-601 "Medical Care Savings Account Penalty Payment."
- C) Interest earned on the account during the taxable year in which a withdrawal under this subsection is made shall be a modification increasing federal adjusted gross income in arriving at Illinois taxable income of the employee.
- 4) The amount of a disbursement of any assets of a medical care savings account pursuant to a filing for protection under Title 11 of the United States Code, 11 U.S.C. 101 to 1330, by an employee or person for whose benefit the account was established is not considered a withdrawal for purposes of this Section. The amount of a disbursement is not subject to taxation under the Illinois Income Tax Act, and subsection (g)(3) above does not apply. (Section 20(c) of the Act)
- 5) In the event that all of the following occur:
  - A) an employee is no longer employed by an employer that participates in a medical care savings account program,
  - B) the employee, not more than 60 days after his or her final day of employment, transfers the account to a new account administrator or requests in writing to the former employer's account administrator that the account remain with that administrator, and
  - C) that account administrator agrees to retain the account, then the money in the medical care savings account may be utilized for the benefit of the employee or his or her dependents subject to this Act, remains exempt from taxation, and shall be a modification decreasing federal adjusted gross income in arriving at Illinois taxable income of the employee or his or her dependents for the taxable year. Not more than 30 days after the expiration of the 60 days, if an account administrator has not accepted the former employee's account, the employer shall mail a check to the former employee, at the employee's last known address, for an amount equal to the amount in the account on that day, and that amount is subject to taxation pursuant to subsection (g)(3)(A) above, and shall be a modification increasing federal adjusted gross income in arriving at Illinois taxable income of the employee but is not subject

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

to the penalty under subsection (g)(3)(B). If an employee becomes employed with a different employer that participates in a medical care savings account program, the employee may transfer his or her medical care savings account to that new employer's account administrator. (Section 20(e) of the Act)

- h) The Medical Care Savings Account Act and this Section shall expire on 1/1/2000.

(Source: Added at 21 Ill. Reg. 958- - , effective

JAN 8 1997

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED RULE

- 1) Heading of the Part: Boiler and Pressure Repairer Regulations

- 2) Code Citation: 41 Ill. Adm. Code 121

- 3) Section Numbers: Adopted Action:

121.10	New Section
121.20	New Section
121.30	New Section
121.40	New Section
121.50	New Section
121.60	New Section
121.70	New Section
121.80	New Section
121.90	New Section
121.100	New Section

- 4) Statutory Authority: Implementing the Boiler and Pressure Vessel Repairer Regulation Act, 225 ILCS 203/25.

- 5) Effective Date of Adoption: January 1, 1997

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this adoption contain incorporations by reference? No

- 8) Date filed in the Agency's principal office: December 31, 1996

- 9) Notice of Proposal published in the Illinois Register: 20 Ill. Reg. 9445, December 19, 1996.

- 10) Has JCAR issued a statement of Objection to these rules? No

- 11) Differences between proposal and final version: None

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will this Rule replace an Emergency Amendment currently in effect? No

- 14) Are there any other amendments pending on this Part? No

- 15) Summary and purpose of Rule: These rules implement recently passed legislation requiring persons who perform welded repairs to boilers and pressure vessels to be licensed.

- 16) Information and questions regarding this adopted rule shall be directed to:

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED RULE

Mr. David Douin  
 Superintendent of Boiler and Pressure Vessel Safety  
 Office of the State Fire Marshal  
 1035 Stevenson Drive  
 Springfield, IL 62703-4259  
 (217) 782-2696

The full text of the Adopted Rule begins on the next page:



## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED RULE

TITLE 41: FIRE PROTECTION  
CHAPTER I: STATE FIRE MARSHAL

## PART 121

BOILER AND PRESSURE VESSEL  
REPAIRER REGULATIONS

## Section

121.10 Definitions

121.20 Officer

121.30 Application for Registration

121.40 Communication by Organization

121.50 Changes of Location of Offices

121.60 Change of Ownership

121.70 Termination or Change in Registration

121.80 Records and Documents to be Kept by Boiler or Pressure Vessel  
Repairer

121.90 Availability of Books, Records, Forms and Stationery

121.100 Renewals

AUTHORITY: Implementing the Boiler and Pressure Vessel Repairer Regulation Act  
[225 ILCS 203] and authorized by Section 25 of that Act [225 ILCS 203/25].

SOURCE: Adopted at 21 Ill. Reg. 972, effective

JAN 1 1993

## Section 121.10 Definitions

The following definitions shall apply to this Part:

"Act" means the Boiler and Pressure Vessel Repairer Regulation Act  
[225 ILCS 203].

"Board" means the Board of Boiler and Pressure Vessel Rules.

"Boiler and Pressure Vessel Repairer" means an organization performing  
any welding on boilers and pressure vessels that affects pressure  
retaining boundaries and includes, but is not limited to, repairs and  
alterations as defined in 41 Ill. Adm. Code 120. However, an  
organization who performs welding to its own equipment and is  
authorized pursuant to 41 Ill. Adm. Code 120.1010 is not required to  
have a license.

"Certificate of Registration" means a certificate issued by the Office  
pursuant to the Boiler and Pressure Vessel Repairer Regulation Act.

"Managerial or Administrative Control" means having authority to  
conduct the affairs of the Organization and direct others in the

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED RULE

conduct of the affairs or business of the Organization.

"Office" means the Office of the State Fire Marshal.

"Organization" means a business or other entity, including, but not  
limited to, a sole proprietorship, partnership, corporation or  
association and includes units of local government and the State of  
Illinois.

"State Fire Marshal" means Executive Director of the Office of the  
State Fire Marshal of the State of Illinois.

## Section 121.20 Officer

a) If the Organization is a sole proprietorship, the owner of the  
Organization or any person exercising managerial control shall be  
considered an officer.

b) If the Organization is a partnership, any partner who has at least 10%  
ownership interest or any partner who exercises managerial control  
shall be considered an officer.

c) If the Organization is a corporation, any officer or director of the  
corporation or any person who has at least 10% ownership interest in  
such corporation or who exercises managerial control shall be  
considered an officer.

## Section 121.30 Application for Registration

All applications for registration as a boiler or pressure vessel repairer shall  
be submitted to the Office, on forms provided by the Office, and include:

a) Persons and Organizations who desire to practice boiler or pressure  
vessel repairs in this State, in accordance with Section 40 of the  
Act, shall file an application with the Office, on forms provided by  
the Office, together with the following:

1) A valid Certificate of Authorization to use the "R" Repair Symbol  
Stamp issued by the National Board of Boiler and Pressure Vessel  
Inspectors;

2) The name and address of all officers (as defined in Section  
121.20) of the boiler or pressure vessel repairer. The address  
shall be an actual street address and shall include the city,  
state and zip code. A post office box number is not acceptable  
as an address;

3) If an assumed name is to be used, a copy of the assumed name  
certificate;

4) The appropriate fee as stated below:

- A) For an initial Certificate of Registration \$300.00  
B) A renewal of Certificate of Registration \$150.00 (every  
three years); and  
5) A Certificate of Insurance in the amount of \$300,000.00 to cover

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED RULE

losses, naming the Office as a person to be notified in the event of cancellation or nonrenewal.

- b) Corporations, in addition to the requirements of subsection (a) above, shall submit the following:

- 1) The name of the corporation and its registered address, and the name and address of the Registered Agent;
  - 2) A copy of the Articles of Incorporation bearing the seal of the officer, in the jurisdiction in which the Corporation is organized, whose duty it is to register corporations under the laws of that jurisdiction. If it is a foreign corporation, a copy of the Certificate of Authority to transact business in this State is also required; and
  - 3) If an assumed name is to be used, a copy of the assumed name certificate.
- c) Partnerships, in addition to the requirements of subsection (a) above, submit the following:
- 1) An application containing the name of the partnership and its business address and the names and addresses of all general partners; and
  - 2) An affidavit stating that the partnership has been legally formed.
- d) Limited Partnerships, in addition to the requirements of subsections (a) and (c) above, shall submit the following:
- 1) A letter of authority from the Secretary of State's Limited Partnership Department; and
  - 2) A listing of all limited partners.
- e) Upon receipt of the above documents and review of the application, the Office shall issue a Certificate of Registration authorizing the Organization to engage in boiler and pressure vessel repairs or shall notify the applicant of the reason for the denial of such license.

**Section 121.40 Communication by Organization**

A boiler or pressure vessel repairer shall use in all communications only the Organization name or tradestyle exactly as it appears on the Organization's Certificate of Registration (the certificate) issued by the Office (e.g., ABC Boiler Repairer cannot use a name such as ABC Heating and Cooling Company).

**Section 121.50 Changes of Location of Offices**

If an Organization changes the location of an existing office other than at the time of renewal, the Organization shall notify the Office in writing of the new address at least 30 days prior to the change of location and file the required application and fee of \$50.00.

**Section 121.60 Change of Ownership**

When 51% of the assets, stock or equity of a boiler or pressure vessel repairer

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED RULE

Organization are sold, a new boiler or pressure vessel repairer application shall be filed with the Office in accordance with Section 121.30.

**Section 121.70 Termination or Change in Registration**

- a) The Certificate of Registration shall terminate when the:
- 1) Organization ceases operation;
  - 2) Organization ceases to operate under the name on Certificate of Registration;
  - 3) Certificate of Insurance is nonrenewed or cancelled;
  - 4) Certificate of Registration is revoked;
  - 5) Period for which the Certificate of Registration has ended and no renewal has been issued by the Office; or
  - 6) Organization ceases to possess an "R" Stamp as required by Section 121.30(a)(1).
- b) The Organization shall notify the Office in writing by certified mail within 10 days after the Organization ceases to operate or ceases to operate under the name on the certificate.
- c) In the event of a change of the Organization name, the registrant must apply for a new Certificate of Registration in advance of the effective date of such change. The application shall be handled as an initial application.
- d) All notices required by this Section shall be sent to the Office at its headquarters in Springfield, addressed to the Chief Inspector of Boiler and Pressure Vessel Safety. The address is 1035 Stevenson Drive, Springfield, IL 62703-4259.

**Section 121.80 Records and Documents to be Kept by Boiler or Pressure Vessel Repairer**

- a) The current Certificate of Registration shall be prominently displayed at the location where the Organization conducts business.
- b) All records required by 41 Ill. Adm. Code 120.

**Section 121.90 Availability of Books, Records, Forms and Stationery**

All books, records, forms and stationery associated with boiler or pressure vessel repair shall be made available to agents of the Office upon request. Failure or refusal to make these records available by the Organization shall be grounds for denial, suspension, or revocation of the Organization's registration under Section 65 of the Act.

**Section 121.100 Renewals**

- a) Each Certificate of Registration issued under the Act shall be issued for a period of three years. A renewal notice, along with the renewal forms, will be sent to the registrant ninety days prior to the expiration date. Upon receipt of the completed renewal forms and the

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED RULE

- appropriate fee, the Office will issue the new Certificate of Registration.
- b) It is the responsibility of each registrant to notify the Office of any change of address.
  - c) Failure to receive a renewal form from the Office shall not constitute an excuse for failure to pay the renewal fee or to renew one's license.
  - d) In addition to the renewal fee, a reinstatement fee of \$100.00 shall be assessed for each Organization failing to renew within 60 days after the end of the license period. A sole proprietorship may have the renewal and reinstatement fees waived if the person was on active duty in the military pursuant to Section 50 of the Act.

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Boiler and Pressure Vessel Rules for Hearings
- 2) Code Citation: 41 Ill. Adm. Code 123
- 3)
 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
123.5	New Section
123.10	New Section
123.20	New Section
123.30	New Section
123.40	New Section
123.50	New Section
123.60	New Section
123.70	New Section
123.80	New Section
123.90	New Section
123.100	New Section
123.110	New Section
123.120	New Section
123.130	New Section
123.140	New Section
123.150	New Section
123.160	New Section
123.170	New Section
123.180	New Section
123.190	New Section
123.200	New Section
123.210	New Section
123.220	New Section
123.230	New Section
123.240	New Section
123.250	New Section
123.App A	New Section
123.App B	New Section
123.App C	New Section
123.App D	New Section
- 4) Statutory Authority: 430 ILCS 75/2, 430 ILCS 75/2.1 and 225 ILCS 203/25.
- 5) Effective Date of Rule: January 1, 1997.
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date filed in the Agency's principal office: December 31, 1996
- 9) Notice of Proposal published in the Illinois Register: 20 Ill.Reg. 9452, December 19, 1996.



## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED RULES

- 10) Has JCAR issued a statement of Objection to these rules? No
- 11) Differences between proposal and final version: None.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will this Amendment replace an Emergency Amendment currently in effect?  
No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and purpose of Rule: To implement the Boiler and Pressure Vessel Safety Act and Boiler and Pressure Vessel Repairer Regulation Act.
- 16) Information and questions regarding this adopted amendment shall be directed to:
- Mr. David Douin  
Superintendent of Boiler and Pressure Vessel Safety  
Office of the State Fire Marshal  
1035 Stevenson Drive  
Springfield, Illinois 62703-4259  
(217) 782-2696

The full text of the Adopted Amendment begins on the next page:

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED RULES

TITLE 41: FIRE PROTECTION  
CHAPTER I: STATE FIRE MARSHAL

PART 123  
BOILER AND PRESSURE VESSEL  
RULES FOR HEARINGS

Section	
123.5	Applicability
123.10	Definitions
123.20	Initiation of a Contested Case by the Office
123.30	Initiation of a Contested Case by Petitioner
123.40	Joinder
123.50	Form of Papers
123.60	Service
123.70	Notice
123.80	Prehearing Negotiations
123.90	Representation
123.100	Failure to Appear
123.110	Amendment, Withdrawal of Complaints and Petitions for Hearing
123.120	Requirement of an Answer
123.130	Discovery
123.140	Subpoenas
123.150	Prehearing Conference
123.160	Hearings
123.170	Hearing Officers
123.180	Examination by the Board
123.190	Burden of Proof
123.200	Documents
123.210	Motions
123.220	Evidence
123.230	Adverse Witness
123.240	Board Reports
123.250	Severability
123.APPENDIX A	Caption for a Case Filed by the Office
123.APPENDIX B	Caption for a Petition for Restoration
123.APPENDIX C	Caption for an Application for Licensure
123.APPENDIX D	Caption for Other Relief (e.g., State Special, Denial of Certificate of Inspection)

AUTHORITY: Implementing the Boiler and Pressure Vessel Safety Act [430 ILCS 75] and the Boiler and Pressure Vessel Repairer Regulation Act [225 ILCS 203] and authorized by Section 16 of the Boiler and Pressure Vessel Safety Act [430 ILCS 75/16] and Section 25 of the Boiler and Pressure Vessel Repairer Regulation Act [225 ILCS 203/25].

SOURCE: Adopted at 21 Ill. Reg. 979, effective

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED RULES

**Section 123.5 Applicability**

These rules shall apply to all hearings conducted under the jurisdiction of the Board pursuant to the Boiler and Pressure Vessel Safety Act and the Boiler and Pressure Vessel Repairer Regulation Act.

**Section 123.10 Definitions**

"Civil Administrative Code of Illinois" means 20 ILCS 2905.

"Board" means the Board of Boiler and Pressure Vessel Rules.

"Discipline" means suspension, revocation, probation, refusal to issue or renew a Certificate of Registration.

"Office" means the Office of the State Fire Marshal.

"State Fire Marshal" means the Executive Director of the Office or duly appointed Acting Director, or, in his absence from the State or in any event of his incapacity to act, his next immediate subordinate statutory officer within the Office.

"Hearing" means any hearing authorized to be held by the Board pursuant to statute.

"Petitioner" is a party who by written petition or application seeks relief licensure under any provision of the statutes of the State of Illinois governing the Board or any rule, regulation, order or determination of the Office or the Board.

"Registrant" means any holder of a Certificate of Registration issued by the Office, or any applicant therefor.

"Respondent" is a person, firm, association or corporation against whom complaint or petition is filed or to whom an order or complaint is directed by the Office.

**Section 123.20 Initiation of a Contested Case by the Office**

- a) A contested case is initiated by the Office when a Complaint and Notice are mailed to the licensee's last known address, postage prepaid.
- b) A Complaint shall be in writing, signed by the Chief Inspector, and shall include a clear statement of the acts or omissions alleged to violate a statute or rule, and citation of the statute or rule, and any discipline to be imposed.
- c) A Notice shall be in writing, and shall contain the date, time, place and nature of the hearing to be held, shall refer to these rules, and

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED RULES

shall comply with the Notice requirements of Section 123.70 of this Part.

**Section 123.30 Initiation of a Contested Case by Petitioner**

- a) A contested case is initiated by a petitioner when a Petition for Hearing is mailed to the Office, Attention: Chief Inspector, Boiler and Pressure Vessel Safety, 1035 Stevenson Drive, Springfield, IL 62703-4259, postage prepaid.
- b) In a case where petitioner seeks to contest a decision by the Office to deny his application for licensure, the Petition for Hearing will be in writing, signed by the petitioner, and state with specificity the particular reasons why the applicant believes that the action by the Office to deny licensure was incorrect.
- c) In a case where a petitioner is seeking restoration of a Certificate of Registration which was revoked or suspended, the Petition for Hearing shall be in writing, signed by the petitioner, and shall set forth:
  - 1) The identification number of the certificate which was suspended or revoked;
  - 2) The docket number of the case which resulted in discipline;
  - 3) The date on which the suspension or revocation was ordered;
  - 4) Whether the order which suspended or revoked the license was appealed, and if so, whether a stay of the imposition of discipline was granted by any reviewing court; and
  - 5) Date and disposition of any other petitions for restoration filed since the discipline was ordered.
- d) Upon receipt by the Chief Inspector of a properly completed Petition for Hearing, a case will be docketed, and Notice sent to the petitioner setting forth the date, time, and place of hearing.

**Section 123.40 Joinder**

In the interest of the efficient disposition of related cases, the Office may join cases relating to multiple respondents or petitioners without regard to whether the cases relate to the same license as long as the cases involve issues of law or fact which are common to the parties. The respondent may contest the decision to join cases by filing a motion pursuant to Section 123.210(a)(14) of this Part.

**Section 123.50 Form of Papers**

All papers filed or submitted to the Office or Board in a contested case shall be typewritten, on 8 1/2 by 11 inch white paper. The first page of each document shall set forth the names of the parties and the docket number assigned to the case by the Office. Petitions for Hearing which are filed before a docket number is assigned shall contain a space for entry of the assigned number. (See Appendix A.)

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED RULES

**Section 123.60 Service**

- a) Service of any document may be by mail or by personal delivery. Proof of service will be attached to the original of any document served. In the absence of evidence to the contrary, the date shown on the proof of service shall be deemed the date of service.
- b) Service on the State Fire Marshal or on the Office, or on an Office Attorney or other Office employee, is made by service on the Chief Inspector, or on the State Fire Marshal, at the Springfield headquarters.
- c) Service of any document as provided in this Section shall include at least three copies of the documents served.

**Section 123.70 Notice**

- a) *Notice shall include:*
  - 1) *A statement of the date, time, place and nature of the hearing;*
  - 2) *A statement of the legal authority and jurisdiction under which the hearing is to be held; and*
  - 3) *Except where a more detailed statement is otherwise provided for by law, a short and plain statement of the matters asserted.* [5 ILCS 100/10-25]
- b) Except as otherwise provided by statute, the registrant will be given at least ten days notice prior to the first date set for the preliminary hearing or hearings, as the case may be. Once such notice is given, it will thereafter be the responsibility of the registrant to become acquainted with subsequent hearing dates.
- c) Nothing in this Section will prevent the Office from scheduling a hearing within ten days after the date on which the Office summarily suspends a Certificate of Registration pending proceedings.
- d) Any contention that improper notice was given will be deemed waived unless it is raised by the registrant prior to argument on any other motion, or, if no other motions are presented, prior to the commencement of opening statements.
- e) Proper notice is given by depositing a Notice with the U.S. Postal Service either by certified or registered mail, or by personal service, to the last known address of the registrant.

**Section 123.80 Prehearing Negotiations**

- a) The Board may form Committees of its members to participate in hearings, and along with the hearing officer, submit reports to the full Board.
- b) The Office and the respondent may stipulate to facts and may agree to discipline conditioned upon Board acceptance. If the agreement is acceptable to the Committee, it shall signify its consent with signatures of a majority of its members on the written agreement. Such signed agreement shall be considered the Conclusions of Law,

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED RULES

Findings of Fact, and Recommendation to the Board. If the Board rejects the agreement, the respondent shall then be entitled to a hearing on the merits. It shall not be a bar to participation in the hearing by a member that has previously considered a proposed agreement under this Section.

- c) A respondent may waive his right to have discipline imposed only upon the action and report in writing of the Board.

**Section 123.90 Representation**

- a) A party may be represented by an attorney who is licensed in Illinois. Attorneys who appear in a representative capacity must file written notice of appearance setting forth:
  - 1) The name, address and telephone number of the attorney;
  - 2) The name and address of the party represented; and
  - 3) An affirmative statement indicating that the attorney is licensed in Illinois.
- b) An attorney may withdraw from employment as a representative only upon written notice, to the Office, stating the specific reasons therefor.
- c) Any individual may appear on his or her own behalf.
- d) A corporation may be represented by an officer, upon presentation to the Office of a duly executed resolution of the Board of Directors authorizing the action in a representative capacity and setting forth the power which the officer is authorized to exercise.
- e) A partnership may be represented by any partner, upon presentation to the Office of written authorization from all the partners authorizing action in a representative capacity.
- f) Any failure to behave in a manner which permits the efficient functioning of the Office will authorize the Board or hearing officer to take any of the following actions:
  - 1) Limitation of evidence;
  - 2) Substitution of written argument in place of oral argument;
  - 3) Exclusion of an attorney from the proceeding;
  - 4) Suspension or revocation of the person, including an attorney's right to appear before the Board or hearing officer.
- g) If any of the above actions are taken by the Board or hearing officer, it shall be done as a matter of record, and the Board or hearing officer shall state for the record the specific reasons therefor.

**Section 123.100 Failure to Appear**

Failure to appear at the time and place set for hearing shall be deemed a waiver of the right to present evidence. After presentation by the Office of an offer of proof that the registrant was given proper notice, the Board shall make its recommendation. Where a petitioner fails to appear, the Petition for Hearing shall be dismissed.

**Section 123.110 Amendment, Withdrawal of Complaints and Petitions for Hearing**



## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED RULES

- a) The Complaint may be amended at any time. An Amended Complaint may be filed in the same manner as a Complaint, or it may be presented to the Committee or hearing officer during the course of the hearing. A continuance shall be granted whenever the amendment materially alters the Complaint and where the registrant demonstrates that he would otherwise be unable to properly prepare an Answer to the Amended Complaint or prepare his case.
- b) A Complaint or Petition for Hearing may be withdrawn at any time prior to the hearing by the party who initiated it. After a hearing has begun, a Complaint may be withdrawn only upon written notice to the Board.

**Section 123.120 Requirement of an Answer**

- a) In all contested cases initiated by the Office, the registrant shall file an Answer within ten days after the date on which the Complaint was served. The Answer shall be in writing, signed by the registrant or his representative, and shall contain a specific response to each allegation in the Complaint. The response shall either admit or deny the allegation, or shall state that the registrant has insufficient information to admit or deny the allegation.
- b) Any Answer which states that the registrant has insufficient information to admit or deny the allegation shall be accompanied by an affidavit attesting to the truth of this assertion.
- c) On motion by the Office, the hearing officer will cause to be issued a Notice to Plead. The Respondent will be held in default, if within 15 days after issuance of such Notice, the Respondent does not answer or otherwise file a responsive Pleading.

**Section 123.130 Discovery**

- a) Discovery shall not be the subject of motions presented to the Board or hearing officer, except when a motion is made alleging failure to comply with this Section, and requesting relief in the form of dismissal of the case or recommendation to the Board based on the pleadings without a hearing.
- b) Upon written request served on the opposing party, any party shall be entitled to:
  - 1) The name and address of any witness who may be called to testify;
  - 2) Copies of any document which may be offered as evidence; and
  - 3) A description of any other evidence which may be offered.
- c) The above information will be provided within ten days after service of a request.
- d) Whether or not a request is made, during discovery a registrant shall be entitled to:
  - 1) Any exculpatory evidence in the Office's possession. Exculpatory evidence is any evidence which tends to support the registrant's position or to call into question the credibility of an Office

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED RULES

- witness; and
- 2) Copies of any investigative report which purports to be a memorandum of interview of the registrant.
- e) The registrant shall be entitled to the above whether or not the investigator is called to testify and whether or not the investigator uses reports to refresh recollection prior to or during testimony.
- f) Upon a written request served on the registrant, at any time after a Complaint is filed, or at any stage of the hearing, the registrant will be required to produce documents, books, records or other evidence which relates directly to conduct alleged in the Complaint.
- g) The investigative file of the Office is not subject to discovery except as stated in subsection (d) above relating to exculpatory evidence and memoranda of interviews of a registrant. However, after the direct examination of an Office witness, but prior to the cross-examination of that witness, the registrant shall be entitled to all investigative reports relating to that witness. Investigative reports relating to the witness shall be those which purport to be memoranda of interviews of the witness or which contain information about the witness.
- h) Nothing in this Section shall prevent the parties in a contested case from agreeing to a mutual exchange of information which is more extensive than what is provided for herein. Where the parties agree to the use of an evidence deposition, such agreement will be in writing, and will operate as a waiver of any objection not made during the deposition, except for an objection that the testimony of the witness is not relevant to the case.
- i) This provision will be construed to impose a continuing obligation upon the parties to exchange new information as it becomes available.

**Section 123.140 Subpoenas**

- a) The State Fire Marshal or his delegate will issue subpoenas for the attendance of witnesses or production of books, records, documents or other evidence.
- b) Any registrant or petitioner seeking issuance of a subpoena will apply in writing to the Office, Attention: Chief Inspector, setting forth facts which purport to demonstrate that the subpoena is required. Upon refusal by the State Fire Marshal to issue any subpoena, the registrant will be entitled to a hearing before the State Fire Marshal, to be conducted as a matter of record.
- c) Service of subpoenas and payment of witness fees and expenses shall be as provided in the Civil Administrative Code of Illinois.

**Section 123.150 Prehearing Conference**

- a) After a case is initiated, upon the written motion of either party, or on its own motion, the Board or the hearing officer may direct the parties to attend a prehearing conference.

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED RULES

- b) Unless waived by the parties, the conference will be conducted as a matter of record. Participation by any Board member, committee, or a hearing officer will not affect the right to participate in a subsequent hearing on the matter.
- c) The purposes of the conference include:
- 1) Simplification of issues;
  - 2) Limitation of issues;
  - 3) Negotiating admissions or stipulations;
  - 4) Limitation of witnesses or evidence;
  - 5) Exchange of exhibits; or
  - 6) Discussion of any other matter which may aid in efficient disposition of the case.

**Section 123.160 Hearings**

The sequence to be followed for all contested cases is as follows:

- a) Preliminary Hearing. The purpose is to set a date on which all parties expect to be prepared and to rule on any preliminary motions which are presented. This may be eliminated by agreement of the parties, by the Board, or by the hearing officer.
- b) Prehearing Conference - Optional. The purposes are set out in Section 123.150.
- c) Hearings
  - 1) Preliminary Matters - Motion, attempts to narrow issues or limit evidence.
  - 2) Opening Statements - The party bearing the burden of proof proceeds first.
  - 3) Case in Chief - Evidence and witnesses are presented by the party bearing the burden of proof. As witnesses' testimony is completed, they are subject to cross-examination.
  - 4) Defense - Evidence and witnesses may be presented by the opposing parties.
  - 5) Closing Statements - The party bearing the burden of proof proceeds first, then the opposing party, then a final word by the party bearing the burden of proof.
  - 6) Board Report - Described in Section 123.240.

**Section 123.170 Hearing Officers**

- a) The Board shall conduct the hearing or may appoint any attorney licensed to practice law in Illinois to serve as a hearing officer.
- b) The hearing officer may be empowered to conduct the hearing, question witnesses, make rulings on motions and objections, and/or submit suggested Findings of Fact and Conclusions of Law to the Board at the conclusion of the case. The hearing officer may also afford the Board such legal counsel as it may require during the course of the hearing and until a final order is signed. It shall not be a bar to employment as hearing officer that the attorney is also an employee of

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED RULES

the Office.

**Section 123.180 Examination by the Board**

- a) Any member of any Board Committee, or any hearing officer, may examine any witness.
- b) Either party may object to specific questions asked by the Board Committee or hearing officer, but it shall not be objectionable that a question violates a technical rule of evidence. For purposes of these rules, the rule against hearsay is a substantive, rather than technical, rule of evidence.

**Section 123.190 Burden of Proof**

- a) The burden of proof rests with the Office in all cases initiated by the Office by the filing of a Complaint. A recommendation for discipline may be made by the Board or hearing officer only where the Office establishes by clear and convincing evidence that the allegations of the Complaint are true.
- b) The burden of proof in all cases initiated by the filing of a Petition for Hearing rests with the petitioner. The petitioner must prove by a preponderance of the evidence that the license should be granted or restored, as the case may be.

**Section 123.200 Documents**

- a) Business records shall be admissible. A business record is:
  - 1) Relevant;
  - 2) A memorandum, report, record or data compilation;
  - 3) Made by a person with first-hand knowledge of the facts;
  - 4) Made at or near the time of the facts;
  - 5) Made as part of the regular practice of the activity; and
  - 6) Kept in the course of regularly conducted activity.
- b) Any party may prove elements (a)(3) through (a)(6) above by presentation of a sworn statement by an individual responsible for making or keeping such records. Business records include, but are not limited to, medical reports and police reports.
- c) Any party seeking introduction of a document will be allowed to offer a copy of the original without any showing that the original is unavailable, upon representation of the party or attorney that the copy is a fair and accurate copy of the original.

**Section 123.210 Motions**

- a) Motions will be made in writing, unless otherwise allowed by the Board, hearing officer or Office, during the course of a hearing. Written motions are limited to the following:
  - 1) To request dismissal of a Complaint, for failure to state facts

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED RULES

- which, if true, would form a sufficient basis for discipline.
- 2) To request sanctions in accordance with Section 123.90 of this Part dealing with Representation.
  - 3) To request sanctions in accordance with Section 123.130 of this Part dealing with Discovery.
  - 4) To request dismissal of a Petition for Hearing for failure to comply with the Section 123.30 of this Part dealing with Initiation of a Contested Case by a Petitioner.
  - 5) To request dismissal of a Complaint where the Office's case has been concluded without sufficient evidence having been presented to form a basis for discipline.
  - 6) To request a continuance, or extension of time, to comply with any provision of this Part.
  - 7) To request an order granting a rehearing or additional hearings.
  - 8) To request an order that a Board or hearing officer reconsider its Findings of Fact, Conclusions of Law or Recommendation or to request a new hearing or additional hearings.
  - 9) To request that a Board or hearing officer deem a failure to file an Answer to be an admission of the truth of the allegations contained in the Complaint.
  - 10) To request employment of a hearing officer.
  - 11) To request that a member of the Board be excluded from the hearing or deliberations for prejudice.
  - 12) To request that an Order be vacated or modified.
  - 13) To request a prehearing conference.
  - 14) To request separation of cases joined by the Office.
  - b) When any motion is filed, the Board or hearing officer may allow oral argument if this is deemed necessary to a fuller understanding of the issues presented. Where facts are alleged as a basis for the request, which are not a part of the record in the case, an affidavit will be attached to the motion setting forth such facts.

**Section 123.220 Evidence**

- a) Except as otherwise provided herein, the rules of evidence applicable to all contested cases will be the rules of evidence which are applicable in civil cases in the State of Illinois.
- b) Hearsay is not admissible. In addition to any other exceptions to the hearsay rule which exists in Illinois, a statement may be admitted if it has circumstantial guarantees of trustworthiness, and if the probative value of the statement outweighs any prejudice resulting from an inability to cross-examine the declarant.
- c) Statements which are not hearsay:
  - 1) Prior statement by witness. The declarant testifies at the hearing and is subject to cross-examination concerning the statement, and the statement is:
    - A) inconsistent with the declarant's testimony, and was given under oath subject to the penalty of perjury at a hearing or

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED RULES

- other proceeding, or in a deposition; or
- B) consistent with the declarant's testimony and is offered to rebut an express or implied charge against the declarant of recent fabrication or improper influence or motive; or
  - C) one of identification of a person made after perceiving the declarant; or
  - 2) Admission by party-opponent. The statement is offered against a party and is:
    - A) declarant's own statement in either the declarant's individual or a representative capacity; or
    - B) a statement of which the declarant has manifested the declarant's adoption or belief in its truth; or
    - C) a statement by a person authorized by the declarant to make a statement concerning the subject; or
    - D) a statement by the declarant's agent or servant concerning a matter within the scope of the declarant's agency or employment, made during the existence of the relationship; or
    - E) a statement by a coconspirator of a party during the course and in furtherance of the conspiracy.

**Section 123.230 Adverse Witness**

- a) Any party or witness may be called as an adverse witness. In such a case, examination of the witness will be allowed as if under cross-examination.
- b) Upon a showing that a witness was called in good faith, and that the party calling the adverse witness is surprised by the testimony, examination of the witness may proceed as if under cross-examination, and the testimony of the witness may be impeached by prior statements or otherwise.

**Section 123.240 Board Reports**

- a) In every contested case, the Board will file a written report which contains its Findings of Fact and Conclusions of Law with respect to the allegations contained in the Complaint or Petition and its decision.
- b) In a case initiated by the Office, the decision may be:
  - 1) That a certificate not be issued;
  - 2) That a certificate not be renewed;
  - 3) That a certificate be issued;
  - 4) That a certificate be renewed;
  - 5) That a certificate be issued or renewed subject to discipline or special conditions;
  - 6) That a certificate be suspended or revoked; or
  - 7) That a certificate remain in good standing.
- c) Where the recommendation is for discipline, the Board will include its



## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED RULES

- specific action as to type and duration.
- d) The Board may request that any hearing officer, any attorney for the Office or Board, or any attorney representing the Petitioner or Respondent assist in preparing a draft Board Report for its consideration.
  - e) Any member of the Board may join the Board in its decision, abstain, or may file a separate dissenting or concurring report.
  - f) Where a rehearing, or additional hearings are requested, the request shall be in the form of a motion and shall state with specificity the reasons for the request. If it is alleged that new evidence is available which was not available at the time of the hearing, the affidavit shall describe the new evidence and reasons why it was not available for use at the hearing.
  - g) Where a Board or hearing officer grants any motion which would dispose of the case, it shall first afford the parties an opportunity to cure the defects in pleading or proof.

**Section 123.250 Severability**

If any Section, subsection, sentence or clause of this Part shall be held by a court of competent jurisdiction to be invalid, such holding shall not affect the remaining portions thereof.

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED RULES

**Section 123.APPENDIX A Caption for a Case Filed by the Office**

STATE OF ILLINOIS  
OFFICE OF THE STATE FIRE MARSHAL

OFFICE OF THE STATE FIRE MARSHAL )  
of the State of Illinois, Complainant )  
v. )  
(Name of Respondent) )  
(License Number) Respondent )

C O M P L A I N T

OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED RULES

## Section 123.APPENDIX B Caption for a Petition for Restoration

STATE OF ILLINOIS

OFFICE OF THE STATE FIRE MARSHAL

In RE the Petition for Restoration of )

) No.

(Name of Petitioner)  
(License Number)

Petitioner )

PETITION FOR  
HEARING

OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED RULES

## Section 123.APPENDIX C Caption for an Application for Licensure

STATE OF ILLINOIS

OFFICE OF THE STATE FIRE MARSHAL

IN RE THE APPLICATION FOR LICENSURE OF

) No.

(Name of Applicant)

Applicant )

PETITION FOR  
HEARING

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED RULES

## Section 123. APPENDIX D Caption for Other Relief (e.g., State Special, Denial of Certificate of Inspection)

STATE OF ILLINOIS  
OFFICE OF THE STATE FIRE MARSHAL

Name of Petitioner )  
 vs. )  
 OSFM, Respondent )  
 No. \_\_\_\_\_

Petition for \_\_\_\_\_

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Boiler and Pressure Vessel Safety Rules and Regulations
- 2) Code Citation: 41 Ill. Adm. Code 120
- 3) Section Numbers: Adopted Action:  
 120.10 Amendment  
 120.15 New Section  
 120.20 Amendment  
 120.1000 Amendment  
 120.1010 Amendment  
 120.1030 Amendment  
 120.1041 Amendment
- 4) Statutory Authority: 430 ILCS 75/2 and 430 ILCS 75/2.1 (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 3202 and 3203).
- 5) Effective Date of Amendments: January 1, 1997.
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date filed in the Agency's principal office: December 31, 1996
- 9) Notice of Proposal published in the Illinois Register: 20 Ill. Reg. 9780, December 19, 1996.
- 10) Has JCAR issued a statement of Objection to these rules? No
- 11) Differences between proposal and final version: A number of stylistic changes were made in response to the Joint Committee on Administrative Rules
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this Amendment replace an Emergency Amendment currently in effect?  
 No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and purpose of Amendment: The standards incorporated in the rules are updated. The updated incorporations are designed to keep Illinois consistent with national standards and industry practices. The rules have been reorganized and incorporate changes made to the enabling legislation including a newly enacted requirement that persons performing welded repairs must be licensed to perform those repairs.



## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

- 16) Information and questions regarding this adopted amendment shall be directed to:

Mr. David Douin  
 Superintendent of Boiler and Pressure Vessel Safety  
 Office of the State Fire Marshal  
 1035 Stevenson Drive  
 Springfield, Illinois 62703-4259  
 (217) 782-2696

The full text of the Adopted Amendment begins on the next page:

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

TITLE 41: FIRE PROTECTION  
 CHAPTER I: STATE FIRE MARSHAL

PART 120  
 BOILER AND PRESSURE VESSEL  
 SAFETY

## SUBPART A: DEFINITIONS AND AMENDMENT

Section	
120.4	Foreward (Repealed)
120.7	Kindly Observe the Following Briefs and Avoid Unnecessary Inconvenience (Repealed)
120.10	Definitions
120.11	Incorporation of National Standards
120.15	Fees
120.20	Administration
120.30	Inspectors, Examinations, Certificate of Competency and Commission
120.41	Special Inspector Trainee (Repealed)

## SUBPART B: CONSTRUCTION, INSTALLATION, INSPECTION, MAINTENANCE, AND USE

Section	
120.100	New Installations of Boilers, Miniature Boilers, Heating Boilers and Hot Water Supply Boilers
120.105	Boiler Exemptions
120.200	New Installations of Pressure Vessels
120.205	Pressure Vessel Exemptions
120.300	Existing Installations of Power Boilers
120.400	Existing Installations of Miniature Boilers (Repealed)
120.500	Existing Installations of Heating Boilers and Hot Water Supply Boilers (Repealed)
120.600	Existing Installation of Pressure Vessels
120.700	General Requirements for all Boilers and Pressure Vessels (Repealed)
120.800	Nuclear Power Plant Components (Repealed)
120.900	Flame Safeguard Requirements and Incorporated Standards (Repealed)

## SUBPART C: REPAIR AND ALTERATION

Section	
120.1000	Repairs and Alterations to Boilers and Pressure Vessels by Welding
120.1010	Authorization to Repair Boilers and Pressure Vessels
120.1020	Issuance and Renewal of the Certificate
120.1030	Changes to Certificates of Authorization
120.1040	Quality Control Requirements
120.1041	Repair and Alteration Requirements

## SUBPART D: STATE SPECIALS

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

Section  
120.1100

Procedure for the Issuance of State's Special Permits

## SUBPART E: REPAIR OF SAFETY AND SAFETY RELIEF VALVES

Section  
120.1200  
120.1210

Authorization for Repair of Safety & Safety Relief Valves  
Authorization to Repair ASME and National Board Stamped Safety and Safety Relief Valves

120.1220 Issuance and Renewal of the Certificate  
120.1240 Changes to Certificates of Authorization  
120.1250 Repairs to Safety and Safety Relief Valves  
120.1260 Quality Control System  
120.1270 Nameplates  
120.1275 Field Repair  
120.1280 Performance Testing of Repaired Valves  
120.1285 Training of Valve Repair Personnel  
120.1290 ASME "V", "UV" or National Board "VR" Certificate Holders

## SUBPART F: OWNER-USER QUALITY CONTROL REQUIREMENTS

Section  
120.1300

120.1301 Introduction  
120.1301 Authority and Responsibility  
120.1305 Organization  
120.1310 Inservice Inspection Program  
120.1320 Drawings, Design Calculations, and Specification Control  
120.1325 Material Control  
120.1330 Examination and Inspection Program  
120.1335 Correction of Nonconformities  
120.1340 Welding  
120.1345 Nondestructive Examination  
120.1350 Calibration of Measurement and Test Equipment  
120.1355 Records  
120.1360 Inspectors

## APPENDIX A Examples of Repairs and Alterations (Repealed)

## APPENDIX B Record of Welded Repair (Repealed)

AUTHORITY: Implementing the Boiler and Pressure Vessel Safety Act [430 ILCS 75] and authorized by Sections 2 and 2.1 of the Boiler and Pressure Vessel Safety Act [430 ILCS 75/2 and 2.1].

SOURCE: Boiler and Pressure Vessel Safety Act Rules and Regulations adopted at 4 Ill. Reg. 7, p. 126, effective January 31, 1980; codified at 5 Ill. Reg. 10677; amended at 7 Ill. Reg. 6925, effective July 1, 1983; amended at 10 Ill. Reg. 9510, effective July 1, 1985; amended at 11 Ill. Reg. 16587, effective January 1, 1988; amended at 16 Ill. Reg. 6808, effective July 1, 1992; amended

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

at 17 Ill. Reg. 14917, effective September 1, 1993; amended at 19 Ill. Reg. 11904, effective August 15, 1995; amended at 20 Ill. Reg. 9540, effective July 3, 1996; amended at 21 Ill. Reg. **9973**, effective

**JAN 1 1997**

## SUBPART B: DEFINITIONS AND ADMINISTRATION

## Section 120.10 Definitions

Act or the Act means the Boiler and Pressure Vessel Safety Act [430 ILCS 75].

Alteration means any change in the item described on the original Manufacturers' Data Report which affects the pressure containing capability of the boiler or pressure vessel. Non-physical changes such as an increase in the maximum allowable working pressure (internal or external) or design temperature of a boiler or pressure vessel shall be considered an alteration. A reduction in minimum temperature such that additional mechanical tests are required shall also be considered an alteration.

API 510 means the Maintenance, Inspection, Rating, Repair and Alteration of Pressure Vessels as published by the American Petroleum Institute.

Approved means approved by the Board of Boiler and Pressure Vessel Rules.

ASME Code means the Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers with such revisions, amendments and interpretations thereof as are made, approved and adopted by the Council of the Society and approved and adopted by the Board. Copies of the Code may be obtained from said Society at 345 E. 47th Street, New York, New York 10017.

~~Act or the Act means the Boiler and Pressure Vessel Safety Act [430 ILCS 75].~~

~~Alteration means a change in a boiler or pressure vessel that alters the original design requiring consideration of the effect of the change on the original design; it is not intended that the addition of nozzles smaller than a reinforced opening size be considered an alteration.~~

~~Approved means approved by the Board of Boiler and Pressure Vessel Rules.~~

Authorized Inspection Agency means one of the following:

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

A department or division established by a jurisdiction which has adopted one or more Sections of the ASME Code and whose inspectors hold valid commissions issued by the National Board of Boiler and Pressure Vessel Inspectors;

An inspection agency of an insurance company which is authorized (licensed) to insure and is insuring boilers and pressure vessels in those jurisdictions which have examined the agency's inspectors to represent such jurisdictions as is evident by the issuance of a valid Certificate of Competency to the inspector; or

An owner or user of boilers and pressure vessels who maintains a regularly established inspection department, whose organization and inspection procedures meet the requirements established by the Board and contained in this Part.

Authorized Repairer means a holder of a Certificate of Registration issued pursuant to the Boiler and Pressure Vessel Repairer Regulation Act.

Board means the Board of Boiler and Pressure Vessel Rules created by the Act and empowered to make, alter, amend and interpret rules and regulations for the safe construction, installation, inspection, alteration, and repair of boilers and pressure vessels and for establishing fees.

Boiler means a vessel intended for use in heating water or other liquids or for generating steam or other vapors under pressure or vacuum by the application of heat resulting from the combustion of fuels, electricity, or waste gases.

Certificate Inspection means an inspection, the report of which is used by the Chief Inspector as justification for issuing, withholding or revoking the inspection certificate. The Certificate Inspection shall be an internal inspection when required; otherwise, it shall be as complete an inspection as possible.

Certificate of Competency means a certificate issued to a person who has passed the examination prescribed by the Board.

Certificate of Registration means a certificate issued by the Office pursuant to the Boiler and Pressure Vessel Repairer Regulation Act.

Commission, National Board means the commission issued by the National Board to a holder of a Certificate of Competency who desires to make shop inspections or field inspections in accordance with the National Board bylaws and whose employer submits the inspector's application to

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

the National Board for such commission.

Condemned Boiler or Pressure Vessel means a boiler or pressure vessel that has been inspected and declared unsafe, or disqualified by legal requirements, by the Chief or Deputy Inspector.

Division means the Division of Boiler & Pressure Vessel Safety.

Electric Boiler means a boiler in which the source of heat is electricity.

Engineer means a registered professional engineer registered in accordance with the Illinois Professional Engineering Act [225 ILCS 325] or a person who graduated from an accredited college or university and either:

holds a mechanical engineering degree or has five years experience in a related field (e.g., civil engineering, metallurgical engineering, industrial engineering, design engineering, maintenance engineering, project engineering or construction, maintenance, repair or operation of high pressure boilers and pressure vessels).

Existing Installation means and includes:

Any boiler installed and placed in operation within the State of Illinois before May 1, 1953.

Any hot water supply boiler installed and placed in operation within the State of Illinois on or before July 9, 1957.

Any pressure vessel installed and placed in operation within the State of Illinois on or before December 31, 1976.

External Inspection means an inspection made when a boiler or pressure vessel is in operation, if possible.

Heating Boiler means a steam boiler operated at pressures not exceeding 15 psig, or a hot water heating boiler operated at pressures not exceeding 160 psig and/or temperatures not exceeding 250° F. at or near the boiler outlet.

High Pressure Boiler means a boiler where steam is generated at a pressure in excess of 15 psig or a water boiler operated in excess of 160 psig and/or temperatures in excess of 250° F.

High-Temperature Water Boiler means a water boiler operating at pressures exceeding 160 psig and/or temperatures exceeding 250° F. at



## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

or near the boiler outlet.

Hot water supply boiler means a boiler (including fired storage water heater) furnishing hot water to be used externally to itself at pressures not exceeding 160 psig and/or temperatures not exceeding 250° F. at or near the boiler outlet except those exempted pursuant to the Boiler and Pressure Vessel Safety Act and this Part.

Inspection Certificate means a certification issued by the Chief Inspector for the operation of a boiler or pressure vessel as required by the Act.

Inspector means the Chief Inspector or Deputy Inspector or Special Inspector or Owner-User Inspector.

Chief Inspector means the Chief Boiler and Pressure Vessel Inspector employed under the Act.

Deputy Inspector means any inspector employed under the provisions of the Act.

Special Inspector means an inspector holding an Illinois Certificate of Competency and who is regularly employed by an insurance company authorized to write boiler and pressure vessel insurance in this State.

Special Inspector Trainees are those inspectors described in Section 120.30.

Owner-User Inspector means an inspector described in Section 120.1360 continuously employed as an inspector by an Owner-User Inspection Agency.

Internal Inspection means as complete an examination as can reasonably be made of the internal and external surfaces of a boiler or pressure vessel while it is shut down and manhole plates, handhole plates or other inspection opening closures are removed as required by the inspector.

Jurisdiction means a state, commonwealth, county or municipality of the United States or a province of Canada which has adopted one or more sections of the ASME Code and maintains a duly constituted Department, Bureau, or Division for the purpose of enforcement of such Code. In Illinois the Division of Boiler and Pressure Vessel Safety is the jurisdiction except for the City of Chicago.

Lined Potable Water Heater shall mean a water heater with a corrosion resistant lining, used to supply potable hot water.

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

Low Pressure Boiler means a steam boiler operated at pressures exceeding 15 psig or a hot water boiler operated at pressures not exceeding 160 psig and/or temperatures not exceeding 250° F.

Power Boiler means a boiler in which steam or other vapor is generated at a pressure of more than 15 psig and includes a high pressure high temperature water boiler.

High Pressure High Temperature Water Boiler means a water boiler operating at pressures exceeding 160 psig and/or temperatures exceeding 250° F. at or near the boiler outlet.

Miniature Boiler means any boiler which does not exceed any of the following limits:

16 inches inside diameter of shell

20 square feet heating surface

5 cubic feet gross volume, exclusive of casing and insulation

100 psig maximum allowable working pressure

Heating Boiler means a steam boiler operated at pressures not exceeding 15 psig or a hot water heating boiler operated at pressures not exceeding 160 psig and/or temperatures not exceeding 250° F. at or near the boiler outlet.

Hot water supply boiler means a boiler (including fired storage water heater) furnishing hot water to be used externally to itself at pressures not exceeding 160 psig and/or temperatures not exceeding 250° F. at or near the boiler outlet except those exempted pursuant to the Boiler and Pressure Vessel Safety Act and this Part.

Lined Potable Water Heater shall mean a water heater with a corrosion resistant lining used to supply potable hot water.

Electric Boiler means a boiler in which the source of heat is electricity.

Portable Boiler means an internally fired boiler which is primarily intended for temporary location and the construction and usage permits it to be readily moved from one location to another.

Certificate of Competency means a certificate issued to a person who has passed the examination prescribed by the Board.

Internal Inspection means as complete an examination as can reasonably

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

be--made-of-the-internal-and-external-surfaces-of-a-boiler-or-pressure vessel while it is shut down-and-manhole-plates--handhole-plates--or other--inspection-opening--closures--are--removed--as-required-by-the inspector.

External inspection means an inspection made when a boiler or pressure vessel is in operation if possible.

Commission--National Board means the commission issued by the National Board to a holder of a Certificate of Competency who desires to make shop--inspections-or-field-inspections-in-accordance-with-the-National Board-by-laws-and-whose-employer-submits-the-inspector's-application-to the-National-Board-for-such-commission.

Division means the Division of Boiler and Pressure Vessel Safety.

Engineer means a registered professional engineer registered in accordance with the Illinois Professional Engineering Act--(Ill. Rev. Stat--1991--Ch--117--Par--5201-et-seq)--(225-1BGS-325)-or-a-person-who graduated from an accredited college or university and either:

holds--a--mechanical-engineering-degree--or--has--five--years experience--in--a--related--field--for--7--civil--engineering--metallurgical--engineering--industrial--engineering--design engineering--maintenance-engineering--project-engineering--or construction--maintenance--repair--or--operation-of--high--pressure boilers-and-pressure-vessels).

Existing installation means and includes:

Any boiler installed and placed in operation within the State of Illinois before May 17, 1953.

Any hot water supply boiler installed and placed in operation within the State of Illinois on or before July 9, 1957.

Any pressure vessel installed and placed in operation within the State of Illinois on or before December 31, 1976.

Inspection Certificate means a certification issued by the Chief Inspector for the operation of a boiler or pressure vessel as required by the Act.

Inspector means the Chief Inspector or Deputy Inspector or Special Inspector or Owner-User Inspector.

Chief Inspector means the Chief-Boiler-and--pressure--vessel Inspector employed under the Act.

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

Deputy--Inspector--means--any--inspector--employed--under--the Provisions-of-the-Act.

Special Inspector means an inspector holding an Illinois Certificate of Competency and who is regularly employed by an insurance company authorized to insure against loss from explosion of boilers and pressure vessels in this State.

Special Inspector--Trainees--are--those--inspectors--described-in Section 120-30.

Owner-User Inspector means an inspector described in Section 120-1360 continuously employed as an inspector by an Owner-User Inspection Agency.

Jurisdiction means a state, commonwealth, county or municipality of the United States or a province of Canada which has adopted one or more Sections of the ASME Code and maintains a duly constituted Department, Bureau or Division for the purpose of enforcement of such Code. In Illinois the Division of Boiler and Pressure Vessel Safety is the jurisdiction except for the City of Chicago.

National Board Inspection Code means the Manual for Boiler and Pressure Vessel Inspectors published by the National Board. Copies of the Code may be obtained from the National Board.

National Board means the National Board of Boiler and Pressure Vessel Inspectors, 1055 Crupper Avenue, Columbus, Ohio 43229, whose membership is composed of the Chief Inspectors of jurisdictions who are charged with the enforcement of the provisions of the ASME Code.

National Board--inspection--Code--means--the--Manual--for--Boiler--and Pressure--Vessel--inspectors--published--by--the--National--Board--Copies--of the--Code--may--be--obtained--from--the--National--Board.

New Boiler Installations means and includes all boilers constructed, installed and placed in operation within the State of Illinois after May 1, 1953, and all hot water supply boilers installed and placed in operation after July 9, 1957.

New Pressure Vessel Installations means and includes any pressure vessel installed and placed in operation within the State of Illinois after December 31, 1976.

Non-Standard Boiler or Pressure Vessel means a boiler or pressure vessel that does not bear the ASME Stamp or the API-ASME Stamp.

Office means the Office of the State Fire Marshal.

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

Owner or User means any person, firm or corporation legally responsible for the safe operation of any boiler or pressure vessel within the State.

Owner-User means an owner and user qualified under Section 15 of the Act.

Place of Public Assembly means a building or specific area, including outdoor areas, in which persons assemble for civic, educational, religious, social or recreational purposes or which is provided by a common carrier for passengers awaiting transportation or in which persons are housed to receive medical, charitable or other care or treatment, or are held or detained for public, civic or correctional purposes.

Portable Boiler means an internally fired boiler which is primarily intended for temporary location and the construction and usage of which permits it to be readily moved from one location to another.

Power Boiler means a boiler in which steam or other vapor is generated at a pressure of more than 15 psig and includes a high-pressure, high-temperature water boiler.

Pressure Vessel means a vessel in which pressure is obtained from an external source, or by the application of heat from an indirect source or from a direct source other than those boilers as defined above.

PSIG means pounds per square inch gauge.

Reinstalled Boiler or Pressure Vessel means a boiler or pressure vessel removed from its original setting and reinstalled at the same location within the State of Illinois or at a new location without change of ownership.

Relief Valve means an automatic pressure relieving device actuated by the static pressure upstream of the valve which opens further with the increase in pressure over the opening pressure. It is used primarily for liquid service.

Repair means work necessary to return a boiler or pressure vessel to a safe operating condition.

Rerating means a change in ~~the--increase--of~~ the maximum allowable working pressure or temperature of a boiler or pressure vessel regardless of whether or not physical work is performed on the boiler or pressure vessel. Rerating shall be considered an alteration.

Safety Relief Valve means an automatic pressure actuated relieving

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

device suitable for use as a safety or relief valve, depending on application.

Safety Valve means an automatic pressure relieving device actuated by the static pressure upstream of the valve and characterized by full opening pop action. It is used for gas or vapor service.

Secondhand Boiler or Pressure Vessel means a boiler or pressure vessel which has changed both location and ownership since primary use.

Standard Boiler or Pressure Vessel means a boiler or pressure vessel which bears the ASME Code Symbol.

State Special means a pressure vessel of special construction that may not be constructed in accordance with the ASME Code. See Subpart E, Section 120.1100 of this Part, for the procedures for granting a State Special.

Underwriters Laboratories (U.L.) means a non-profit independent organization testing for public safety. It maintains and operates laboratories for the examination and testing of devices, systems and materials to determine their relationship to life, fire and casualty hazards.

Welding, Arc Welding means a group of welding processes wherein coalescence is produced by heating with an arc or arcs, with or without the application of pressure, and with or without the use of filler metal.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective **997** = \_\_\_\_\_)

**Section 120.15 Fees**

As authorized by the Boiler and Pressure Vessel Safety Act, the Board hereby establishes the following fees to be collected for services rendered by the Division:

Examinations.....\$25

## Commissions

New Issuance.....\$20

Renewal.....\$10

Certificate of Inspection.....\$20

## Inspections

Power Boilers



## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

Internal Inspection	
Boilers of 100 sq. ft. of heating surface or less.....	\$30
Boilers over 100 sq. ft. of heating surface.....	\$60
External Inspection.....	\$30
Low Pressure Heating Boilers and Hot Water Supply Boilers	
Internal or External Inspection.....	\$30
No more than \$120 shall be charged for any one boiler in any one year.	

## Pressure Vessels

## Internal or External Inspection

Fees are based on the product of the overall length and maximum width or diameter of the vessel expressed in sq. ft.

50 sq. ft. or less.....	\$25
For each additional 100 sq. ft. or portion thereof.....	\$25
No more than \$120 shall be charged for any one pressure vessel in any one year.	

## Annual Statements (Owner-Users)

For statements covering not more than 25 vessels.....	\$5 per vessel
For statements covering more than 25 but fewer than 101 vessels.....	\$125
For statements covering more than 100 but fewer than 501 vessels.....	\$250
For statements covering more than 500 vessels.....	\$500

## Miscellaneous

Witness a hydrostatic test.....	\$80
Joint reviews, audits, shop inspections	
1/2 day.....	\$250
Full day.....	\$400
Plus expenses, including travel and lodging.	

(Source: Added at 21 Ill. Reg. 997 effective

## Section 120.20 Administration

## Administration (generally).

- Applying State Serial Number. The State serial number on boilers shall be not less than 5/16" in height and shall be preceded by the letters "ILL" which shall also be not less than 5/16" in height. Boilers will be identified by a five digit number. The State serial number on pressure vessels shall be not less than 5/16" in height and shall be preceded by the letters "ILL" and the letter "V" which also shall be not less than 5/16" in height. Pressure vessels will be identified by a six digit number. The Inspector shall make certain that the correct Illinois State serial number is affixed to the boiler or pressure vessel at the time of inspection.
- Attendants of Boilers. In the interest of safety it is recommended that boilers in operation shall be under the supervision of and

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

checked at suitable intervals by a competent attendant.  
Basis for Extending Certificate.

- The Chief Inspector is authorized to extend, for a period not exceeding one year, the time within which power boilers are required to be internally inspected, subject to the following conditions and qualifications:

A) The analysis and treatment of feedwater for such power boilers shall be under the supervision of a person qualified in the field of water chemistry.  
B) The analysis and treatment of the boiler feedwater shall be for the purpose of controlling and limiting serious deteriorating, encrusting and sludging factors affecting the safety of the boiler.

2) The owner or user of such power boilers must maintain, for examination by the inspector, accurate records of such chemical and physical laboratory analysis of samples of the boiler water taken at regular intervals of not more than ~~twenty-four~~ 24 hours operation and of the treatment applied. These records must specify dates and times of analyses, by whom analyzed, and the treatment applied at that time, and should be certified by the responsible authority. These records will adequately show the conditions of such water and any constituents or characteristics which are capable of producing corrosion or other deterioration of the boiler or its parts.

3) The Chief Inspector is authorized to review the qualifications of the supervisor and the acceptability of supervision in accordance with the foregoing.

4) Application for extension shall be by letter setting forth facts establishing compliance with the foregoing conditions and qualifications, and shall be accompanied by the report of external inspection.

d) Unsafe Boilers or Pressure Vessels. Any boiler or pressure vessel having been inspected and declared unsafe by an inspector shall have the Inspection Certificate suspended.

e) Factors of Safety for Existing Installations. An inspector shall increase the factors of safety if the condition of a boiler or pressure vessel warrants it. If the owner or user does not concur with the inspector's decision, the owner or user may appeal to the Board.

- Power boilers and ~~high-pressure~~ high temperature water boilers shall receive a certificate inspection annually, which shall be an internal inspection where conditions permit. Such boilers shall also be inspected externally annually while under representative operating conditions, if possible.
- Low pressure steam and hot water heating boilers and hot water supply boilers shall be inspected both internally and externally every two years where conditions permit and shall receive a certificate inspection every two years.

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

- 3) Inspection of the flame safeguard equipment shall be in conjunction with the regular inspection of boilers.
- 4) Pressure vessels subject to internal corrosion shall receive a certificate inspection every three years. This inspection shall be external and internal where conditions permit. However, owner users qualified in accordance with Section 15 of the Act shall have the option of using API-510 or the N.B.I.C. for inspection intervals.
- 5) Pressure vessels not subject to internal corrosion shall receive a certificate inspection every three years. However, owner users qualified in accordance with Section 15 of the Act shall have the option of using API-510 or the N.B.I.C. for inspection intervals.
- g) Inspection and Inspection Certificate Fees.
  - 1) If a boiler or pressure vessel shall, upon inspection, be found to be suitable and to conform to this Part, the owner or user shall pay the fees as established by the Board provided-in-the Act for each boiler and pressure vessel inspected before an Inspection Certificate shall be issued.
  - 2) If the owner or user of each boiler or pressure vessel required to be inspected refuses or fails to allow an inspection to be made or refuses or fails to pay the appropriate fee(s), the Inspection Certificate shall be suspended by the Chief Inspector until the owner or user complies with the requirements.
  - 3) The owner or user who causes a boiler or pressure vessel to be operated without a valid Inspection Certificate shall be subject to the penalty as provided in the Act.
- h) Inspectors to Have no Other Interests. It is prohibited for any employee of the Division of Boiler and Pressure Vessel Safety to accept any compensation or remuneration emumeration from any source for acting as a Consultant, Engineer, Safety Engineer, Safety Specialist, etc., or under any other title. Employees of this Division shall not be engaged in the sale of any article or device that is related to boilers or pressure vessels and shall devote their full time to inspection work.
- i) Installing Used or Second-hand Boilers or Pressure Vessels. A certificate inspection shall be made of all used or second-hand boilers or pressure vessels prior to operation in this State. In a case where a boiler or pressure vessel is moved and reinstalled, the fittings and appurtenances shall be upgraded to comply with the Rules for new installations.
- j) Inspectors to Notify Chief Inspector of defective boilers and pressure vessels. If an inspector finds that a the boiler or pressure vessel or any of the appurtenances are in an unsafe condition the inspector shall immediately notify the Chief Inspector and submit a report of the defects.
- k) Insurance Agencies to Notify the Chief Inspector of New, Cancelled or Suspended Risks. All Insurance Agencies shall notify the Chief Inspector within 30 days of all boiler or pressure vessel risks

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

- l) written, cancelled, not renewed or suspended in Illinois. Manufacturers Data Reports to Be Filed. Effective January 1, 1974, Manufacturers Data Reports on boilers and as amended December 31, 1976, for pressure vessels, which are to be installed in the State of Illinois (unless otherwise exempted by this Part) shall be filed with the Chief Inspector through the National Board. It is intended that each boiler and pressure vessel so filed should be assigned a National Board number.
- m) Boilers and Pressure Vessels without ASME Stamping. If the boiler or pressure vessel does not bear the ASME stamping, then the drawings, data and material showing all details of construction shall be submitted to the Chief Inspector and his approval obtained before installation in this State. The Chief Inspector shall grant his approval if the construction, materials and inspection requirements meet the Rules except for ASME stamping.
- n) Notification of Inspection. The owner or user shall prepare each boiler or pressure vessel for internal inspection and shall prepare for and apply a hydrostatic test whenever necessary, on the date specified by an inspector, which date shall be not less than 7 days after the date of notification.
- o) Owner to Notify Chief Inspector in Case of Accident. Any owner or user operator, which includes any person, firm, partnership, corporation, or governmental entity, that knowingly fails to notify the Chief Inspector within 24 hours, or on the next business day, of an accident, explosion, event, or incident that serves to render a boiler or pressure vessel inoperative because of damage or failure or that involves any bodily injury or death to any person is guilty of a Class B misdemeanor, if a natural person, or a business offense punishable by a fine of not less than \$501 and not more than \$10,000, if a corporation or governmental entity.
- p) Penalties. Any person, firm, partnership or corporation violating any of the provisions of this Part shall be subject to the penalties provided in the Boiler and Pressure Vessel Safety Act.
- q) Registration of Boilers and Pressure Vessels. All owners or users of boilers and pressure vessels subject to the Act now in use or installed ready for use in the State of Illinois shall notify the Chief Inspector in writing giving the location, type, capacity, age and date of installation.
- r) Removal of Safety Appliances.
  - 1) No person, except under the direction of an Inspector inspector, shall attempt to remove or shall do any work upon safety appliances required by this Part while a boiler or pressure vessel is in operation. Should any of these appliances be repaired during an outage of a boiler or pressure vessel, they must be reinstalled and in proper working order before the object is again placed in service.
  - 2) No person shall in any manner load the safety valve or valves to maintain a working pressure in excess of that stated on the

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

## Inspection Certificate.

- s) Stamping of Boilers and Pressure Vessels. Each boiler or pressure vessel subject to the Act shall be identified by a serial number of the State of Illinois. The number will be assigned by the Chief Inspector and applied to the boiler or pressure vessel by the Inspector at the time of inspection. Also, the Code required stamping shall be kept free of paint and lagging so that it will be plainly visible and easily read by the Inspector.
- t) Submission of Inspection Reports. Inspection Reports to be submitted by Special Inspectors:

- 1) Inspection Reports shall be submitted within 30 days from the date of inspection.
- 2) All inspection reports shall be completed with all pertinent information as required including location and actual conditions observed.
- 3) Validity of Inspection Certificate. No Inspection Certificate issued for a boiler or pressure vessel inspected by a Special Inspector shall be valid after the boiler or pressure vessel for which it was issued shall cease to be insured by a duly authorized insurance company. The Chief Inspector may at any time suspend an Inspection Certificate when the boiler or pressure vessel for which it was issued may not continue to be operated without menace to public safety, or when the boiler or pressure vessel is found not to comply with this Part. A Special Inspector shall have authority to request suspension of an Inspection Certificate for boilers or pressure vessels insured by the employing company. Such suspension of an Inspection Certificate shall continue in effect until such boiler or pressure vessel shall have been made to conform to this Part.

(Source: Amended at 21 Ill. Reg. 997, effective JAN 1 1999)

## SUBPART C: REPAIR AND ALTERATION

## Section 120.1000 Repairs and Alterations to Boilers and Pressure Vessels by Welding

- a) Introduction. This Subpart covers rules for repairs and alterations to boilers and pressure vessels by welding. Where applicable rules for a repair or alteration are not given, it is intended that, subject to approval of the Inspector, details of design and construction, insofar as practicable, will be consistent with the rules of the ASME Code or the rules for repairs contained in the National Board Inspection Code or the Code to which the item was originally constructed.

- b) General Requirements for Repairs and Alterations. The requirements of this Subpart apply to all repairs and alterations to boiler and

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

pressure vessel pressure retaining parts, except that an owner-user of pressure vessels qualified in accordance with Section 15 of the Act shall have the option of using the provisions of API-510 for the inspection, repair, alteration, or rerating of pressure vessels. Organizations authorized in accordance with the Boiler and Pressure Vessel Repairer Regulation Act Organizations--in--possession--of--a National--Board--Stamp need not meet the requirements of Section 120.1010, 120.1020, 120.1030 or 120.1040.

- c) All boilers and pressure vessels covered by the Act and repaired after July 31, 1997 July-17-1999, must be repaired by one of the following:

- 1) By an organization holding a valid Certificate of Registration issued by the State Fire Marshal in--possession--of--a valid--API Certificate--of--Authorization--issued--by--the--National--Board--of--Boiler--and--Pressure--Vessel--Inspectors.
- 2) An organization authorized by the Division of Boiler and Pressure Vessel Safety pursuant to this Subpart to repair boilers or pressure vessels for their own use.

- d) All boilers and pressure vessels covered by the Act altered after July 31, 1997 July-17-1999, shall be altered in accordance with Section 120.1041(b).

(Source: Amended at 21 Ill. Reg. 997, effective JAN 1 1999)

## Section 120.1010 Authorization to Repair Boilers and Pressure Vessels

Realizing the importance of the proper repair of boilers and pressure vessels, the Board of Boiler and Pressure Vessel Rules authorized the development of procedures and rules for the issuance and use of the Certificate of Authorization for repair for those organizations requesting authorization for their own use to repair boilers and pressure vessels under Section 120.1000(c)(2). The Division shall review the repair organization's Quality Control Manual and shall require a demonstration of the repair organization's Quality Control System as described in this Subpart. 997

(Source: Amended at 21 Ill. Reg. 997, effective JAN 1 1999)

## Section 120.1030 Changes to Certificates of Authorization

When an organization authorized by the Division to repair boilers and pressure vessels for their own use changes location and/or ownership or name, the Office of the State Fire Marshal, Division of Boiler and Pressure Vessel Safety shall be notified. When a repair organization changes location, name or ownership, a review of its Quality Control System is shall--be required.

(Source: Amended at 21 Ill. Reg. 997, effective JAN 1 1999)



## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

## Section 120.1041 Repair and Alteration Requirements

- a) Repairs. Except as permitted for low pressure boilers owners-users-in Section 120.1000(b), no repair to a boiler-or pressure vessel or high pressure boiler shall be initiated without the authorization of the Inspector who shall be satisfied that the welding procedures and welders are qualified and that the repair methods are acceptable. The Inspector may give prior approval for repairs of a routine nature. In every case, however, the Inspector shall be advised of each repair under such prior agreement.
- b) Alterations. Except as permitted for owner-users in Section 120.1000(b), alterations to boilers and pressure vessels shall be performed by an authorized repairer organization-in-possession-of-a National-Board--~~an~~--Certificate--of--Authorization;--provided--the alterations-are-within-the-scope-of-such-authorization. No alteration to a boiler or pressure vessel shall be initiated without the authorization of the Inspector who shall be satisfied that the alteration methods and calculations are acceptable. If the Inspector considers it necessary, the Inspector shall make an inspection of the object before granting such authorization.
- c) Welded Repairs to Low Pressure Boilers. All welded repairs to low pressure boilers shall be performed by an authorized repairer and shall comply with all the rules as required by the Board, except no third party inspection is required. Prior to the start of any low pressure boiler repair, the authorized repairer shall contact the Division and request a low pressure boiler repair permit authorization number and inform the Division of the physical location of the boiler to be repaired. Upon completion of the repair, the authorized repairer will submit a completed "Low Pressure Boiler Repair Form" (LP-1) to the Division.
- d) Acceptance of Repairs and Alterations. Provided that repairs or alterations are acceptable to the Authorized Inspection Agency responsible for the boiler or pressure vessel, acceptance of repairs and alterations may be made by an Inspector employed by any of the following:
- 1) The Illinois Division of Boiler-and-Pressure-Vessel-Safety.
  - 2) The Inspection Agency of record of the organization making the repair or alteration.
  - 3) The Authorized Inspection Agency, provided the work was not performed by the Agency employing the Inspector, except as provided in subsection (f) Section 120.1041(f) of this Section Part.
- e) Acceptance Inspection. It shall be the responsibility of the organization making the repair or alteration to coordinate the acceptance inspection of the repair or alteration. Except for repairs of a routine nature, a completed record of welding repairs shall be submitted to the Division by those organizations authorized under Section 120.1000(c)(2). Authorized repairers shall submit the

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

appropriate National Board Form to the Division upon completion of repairs or alterations Organizations-in-possession-of-National-Board--~~an~~--Stamp--shall-submit-the-completed-Form-R-1.

- f) Owner-User Acceptance Inspection of Repairs. An Owner-User Inspector may perform acceptance inspections of repairs and alterations to boilers and pressure vessels when such repairs and alterations have been performed by the Inspector's employer, provided the repair organization and inspection procedures have the Division's specific approval. Such acceptance inspection procedures shall be subject to the concurrence of the Authorized Inspection Agency responsible for the boiler or pressure vessel.
- g) Replacement Pressure Parts. In general, replacement pressure parts may be classified as follows:
- 1) Replacement parts subject to internal or external pressure that consist of materials which may be formed or assembled to the required shape by bending, forging or other forming methods, but on which no shop fabrication welding is performed may be supplied as material. Material and part identification shall be supplied in the form of bills of material and drawings with ASME Code compliance.
  - 2) Replacement parts subject to internal or external pressure that are fabricated preassembled by welding, but on which shop inspection is not required by the ASME Code, shall have the welding performed in accordance with Section IX and other applicable Sections of the ASME Code. The replacement part assembly identification shall be supplied in the form of bills of material and drawings. The supplier or manufacturer shall certify that the material, design and fabrication are in accordance with the applicable Section of the ASME Code.
  - 3) Replacement parts subject to internal or external pressure fabricated by welding which require shop inspection by an Authorized Inspector shall be fabricated by a manufacturer having an ASME Certificate of Authorization and the appropriate Code Symbol Stamp. A Manufacturer's Partial Data Report shall be supplied by the manufacturer.
- h) Pressure Tests
- 1) Repairs. The Inspector may require a pressure test after the completion of a repair to a boiler or pressure vessel when in the Inspector's judgment one should be conducted.
  - 2) Alterations. A pressure test in accordance with the National Board Inspection Code shall be applied to the boiler or pressure vessel on the completion of an alteration.
- i) Repair Methods. Repair methods in this Section shall be used in conjunction with the general requirements in Section 120.1000(b) of this Part.
- j) Defect Repairs
- 1) General. A repair of a defect, such as a crack in a welded joint or base material, shall not be made until the defect has been

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

- removed. A suitable nondestructive method shall be used to assure its complete removal. If the defect penetrates the full thickness of the material, the repair shall be made with a complete penetration weld such as double butt weld or a single butt weld with or without backing. Before repairing a cracked area, care shall be taken to investigate its cause and to determine its extent.
- 2) Unstayed Boiler Furnace Cracks. Cracks at the knuckle or at the turn of the flange of the furnace opening require immediate replacement of the affected area or specific approval of repairs by the Authorized Inspection Agency.
  - 3) Rivet or Staybolt Hole Cracks. Cracks radiating from rivet or staybolt holes may be repaired if the plate is not seriously damaged. If the plate is seriously damaged, it shall be replaced.
  - 4) Minor Defects. Minor cracks, isolated pits, and small plate imperfections shall be examined to determine the extent of the defect and whether welding is required. When welding is required, these defects shall be prepared for welding by removing to solid metal. Liquid penetrant or magnetic particle examination may be used before and/or after welding.
  - 5) Defective Bolting. Defective bolting material shall not be repaired but shall be replaced with suitable material which meets the specifications of the applicable Section of the ASME Code.

**K) Wasted Areas**

- 1) Shells, Drums, Headers. Wasted areas in stayed and unstayed shells, drums and headers may be built up by welding provided that in the judgment of the Inspector the strength of the structure will not be impaired. Where extensive weld build-up is employed, the Inspector may require an appropriate method of NDE (nondestructive examination) for the complete surface of the repair. For repairs of minor defects see Section J20.1041(j)(4) ~~120.1041(j)(4)~~ of this Part.
- 2) Access Openings. Wasted areas around access openings may be built up by welding or they may be repaired. In boilers, the area to be so repaired shall not be closer than 2 inches (50.8mm) from any knuckle.
- 3) Flanges. Wasted flange faces may be cleaned thoroughly and built up with weld metal. They should be machined in place if possible to a thickness not less than that of the original flange or that required by calculations in accordance with the provisions of the applicable Section of the ASME Code. Wasted flanges may also be remachined in place without building up with weld metal provided the metal removed in the process does not reduce the thickness of the flange to a measurement below that calculated above. Flanges which leak because of warpage or distortion and which cannot be remachined shall be replaced with new flanges which have at least the dimensions conforming to the applicable Section of the ASME

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

- Code.
- 4) Tubes. Wasted areas on tubes may be repaired by welding provided that in the judgment of the Inspector the strength of the tube will not be impaired.
  - 5) Corrosion, Grooving.
    - A) Localized corrosion that produced a groove, especially along or immediately adjacent to a joint, could be more serious than a similar amount of corrosion on solid plate away from the joint. Grooving and cracks along longitudinal joints are especially significant as they are likely to occur where the material is more highly stressed. Severe corrosion is likely to occur at points where the circulation of the corrosive fluid is poor; such places shall be examined most carefully.
    - B) For the purposes of estimating the effect of corrosion or other defects upon the strength of a shell, comparison shall be made with the efficiency of the longitudinal joint of the boiler or pressure vessel, the strength of which is always less than that of a solid sheet.
    - C) All flanging shall be inspected thoroughly, particularly the flanges of heads that are not stayed. Internal grooving in the fillets of such heads and external grooving in the outer surfaces of heads concave to pressure are very common since there is a slight movement in heads of this character which produces this kind of defect. Some types of boilers or pressure vessels have the ogee or reversed-flange construction in a few of their parts that may be inaccessible to the eye, but the conditions shall be determined by the insertion of a borescope, fiber optics or a mirror which, at a proper angle, will reflect back to the eye the condition of such a part.
    - D) On new vessels and on vessels for which service conditions are being changed, one of the following methods shall be employed to determine the probable rate of corrosion from which the remaining wall thickness at the time of the next inspection can be estimated:
      - i) The corrosion rate as established by accurate data collected by the owner or user on vessels in the same or similar service.
      - ii) If accurate data for the same or similar service are not available, the probable corrosion rate as estimated from the Inspector's knowledge and experience on vessels in similar service.
      - iii) If the probable corrosion rate cannot be determined by either of the above mentioned methods, thickness determinations shall be made after approximately 1000 hours of service, or one normal run if longer than this; subsequent sets of thickness measurements shall

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

be taken after additional similar intervals until the corrosion rate is determined by this method; the corrosion data indicated by the first inspection may be used as a first approximation of the corrosion rate but shall be excluded from all subsequent computations of the corrosion rate, since attack on the initial surfaces may not be indicative of subsequent attack on corroded surfaces.

l)†† Seal Welding

- 1) Seal Welding of Tubes. Tubes may be seal welded provided the ends of the tubes have sufficient wall thickness to prevent burn through and the requirements of the appropriate Sections of the ASME Code are satisfied.
- 2) Seal Welding of Riveted Joints. Edges of butt straps, plate laps and nozzles, or of connections attached by riveting may be restored to original dimensions by welding. Seal welding of riveted joints, butt straps or rivets shall require the approval of the Authorized Inspection Agency.
- m)†† Re-Ending or Piecing Pipes and Tubes. Re-ending or piecing pipes and tubes is permitted provided the thickness of the remaining tube or pipe is not less than 90 percent of that required by the applicable Section of the ASME Code.

n)†† Patches

- 1) Flush Patches. The weld around a flush patch shall be a full penetration weld and the accessible surfaces shall be ground flush where required by the applicable Section of the ASME Code. Flush welded patches shall be subjected to an appropriate nondestructive examination which shall be consistent with the original construction requirements.
- 2) Tube Patches. In some situations it is necessary to weld a flush patch on a tube, such as when replacing tube sections and accessibility around the complete circumference of the tube is restricted or when it is necessary to repair a small bulge. This is referred to as a window patch.
- 3) Stays. Threaded stays may be replaced by welded-in stays provided that, in the judgment of the Inspector, the plate adjacent to the staybolt has not been materially weakened by deterioration or wasting away. All requirements of the applicable Section of the ASME Code governing welded-in stays shall be met.
- o)†† Alteration Methods. Alteration methods shall comply with the general requirements of Section 120.1000(b) of this Part.
- p)†† Replacement Drums and Shells. Major replacement of pressure parts, including drums and shells, which are fabricated by welding and for which a Manufacturer's Data Report is required by the applicable Code Section shall be fabricated by a manufacturer having an ASME Certificate of Authorization and the appropriate Code Symbol Stamp. The item shall be inspected, stamped with the applicable Code Symbol

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

and the word "PART", and reported on the appropriate Manufacturer's Partial Data Report.

q)†† Replaced Stamping. When a repair or alteration requires removal of that part of a boiler or pressure vessel containing the Code Stamping, the Inspector shall, subject to the approval of the jurisdiction, witness the making of a facsimile of stamping, the obliteration of the old stamping and the transfer of the stamping to the new part. When the stamping is on a nameplate, the Inspector is to witness the transfer of the nameplate to the new part. The Code Symbol is not to be restamped.

r)†† Retrating of a Boiler or Pressure Vessel. Retrating of a boiler or pressure vessel by increasing the maximum allowable working pressure (internal or external) or temperature, or decreasing the minimum temperature such that additional mechanical tests are required, shall be considered an alteration and shall be done only after the following requirements have all been met to the satisfaction of the Authorized Inspection Agency:

- 1) Revised calculations verifying the new service conditions shall be required from the original manufacturer for review and acceptance by the Authorized Inspection Agency. When such calculations cannot be obtained from this source, they may be prepared by an Engineer and forwarded for review and acceptance by the Authorized Inspection Agency.
- 2) All retratings shall be established in accordance with the requirements of the Code to which the boiler or pressure vessel was built or by computation using the appropriate formulas in the latest edition of the ASME Code if all essential details are definitely known to comply with the edition of the Code to which the object was built.
- 3) Current inspection records verify that the boiler or pressure vessel is satisfactory for the proposed service conditions.
- 4) The boiler or pressure vessel has been pressure tested for the rerated condition as required by subsection (h)(2) of this Section Section-120.104††g†††.
- s)†† Suggestions
  - 1) The Inspector should be well informed of the natural and neglectful causes of defects and deterioration of boilers and pressure vessels. The Inspector should be conscientious and extremely careful in observing, taking sufficient time to make the examinations thorough in every way, taking no one's statement as final as to conditions not personally observed, and, in the event of inability to make thorough inspections, the Inspector should note it in the report and not accept the statements of others.
  - 2) The Inspector shall make a general observation of the conditions of the boiler room and apparatus, as well as of the attendants, as a guide in forming an opinion of the general care of the equipment.



## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

- 3) The Inspector shall weigh very carefully the condition of any defects in order to determine their relation to, or influence upon, the safety of the inspected boiler or pressure vessel. The Inspector shall question responsible employees as to the history of old boilers or pressure vessels, their peculiarities and behavior; ascertain what, if any, repairs have been made; ascertain the character of repairs; and investigate and determine whether repairs were made properly and safely.

(Source: Amended at 21 Ill. Reg. 99, effective JAN 1 1999)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Numbers: Emergency Action:  
310.230 Amended
- 4) The specific statutory citation upon which the rule is based and authorized: 20 ILCS 415/8 and 8a.
- 5) The effective date of the rule: January 6, 1997
- 6) If this emergency rule is to expire before the end of the 150 days period, please specify the date: The emergency amendment will extend to the full 150 days.
- 7) Date filed in Agency's principle office: January 6, 1997
- 8) The reason for the emergency: This emergency amendment upgrading the maximum hourly rate of pay from \$75 to \$105 for the Physician Specialist, Option C, in Section 310.230, Part-Time Daily or Hourly Special Services Rate, is immediately necessary to help recruit and retain employees for the Department of Mental Health and Developmental Disabilities. Also, the Department of Mental Health and Developmental Disabilities has an immediate urgency due to current vacancies.
- 9) A Complete Description of the Subjects and Issues Involved: The Department of Central Management Services is filing an emergency amendment to upgrade the maximum hourly rate for the Physician Specialist, Option C, from \$75 to \$105 in Section 310.230 of the Pay Plan at the request of the Department of Mental Health and Developmental Disabilities. The requested rate revision will relate properly to the maximum rate that was changed for the Physician Specialist, Option D.
- 10) Are there any proposed amendments pending to this part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
310.100	Amended	20 Ill. Reg. 13102 (October 11, 1996)
310.270	Amended	20 Ill. Reg. 13102 (October 11, 1996)
310.280	Amended	20 Ill. Reg. 13102 (October 11, 1996)
310.290	Amended	20 Ill. Reg. 13102 (October 11, 1996)
310.App. A, Table D	Amended	20 Ill. Reg. 13102 (October 11, 1996)
310.App. A, Table J	Amended	20 Ill. Reg. 13102

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENT

310.230 Amended (October 11, 1996)  
20 Ill. Reg. 15804  
(December 13, 1996)

11) Statement of Statewide Policy Objectives: This rulemaking does not affect local government units.

12) The name, address and telephone number of the person to whom information and questions regarding this adopted rule shall be directed to:

Mr. Michael Murphy  
Department of Central Management Services  
Division of Technical Services  
504 William G. Stratton Building  
Springfield, Illinois 62706  
Telephone: (217) 782-5601

The full text of the Emergency amendment is as follows:

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND  
POSITION CLASSIFICATIONS

## CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310  
PAY PLAN

## SUBPART A: NARRATIVE

## Section

310.20 Policy and Responsibilities  
310.30 Jurisdiction  
310.40 Pay Schedules  
310.50 Definitions  
310.60 Conversion of Base Salary to Pay Period Units  
310.70 Conversion of Base Salary to Daily or Hourly Equivalents  
310.80 Increases in Pay  
310.90 Decreases in Pay  
310.100 Other Pay Provisions  
310.110 Implementation of Pay Plan Changes for Fiscal Year 1997  
310.120 Interpretation and Application of Pay Plan  
310.130 Effective Date  
310.140 Reinstitution of Within Grade Salary Increases  
310.150 Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, Effective July 1, 1984 (Repealed)

## SUBPART B: SCHEDULE OF RATES

## Section

310.205 Introduction  
310.210 Prevailing Rate  
310.220 Negotiated Rate  
310.230 Part-Time Daily or Hourly Special Services Rate

EMERGENCY

310.240 Hourly Rate  
310.250 Member, Patient and Inmate Rate  
310.260 Trainee Rate  
310.270 Legislated and Contracted Rate  
310.280 Designated Rate  
310.290 Out-of-State or Foreign Service Rate  
310.300 Educator Schedule for RC-063 and HR-010  
310.310 Physician Specialist Rate  
310.320 Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections  
310.330 Excluded Classes Rate (Repealed)

## SUBPART C: MERIT COMPENSATION SYSTEM

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENT

Section	
310.410	Jurisdiction
310.420	Objectives
310.430	Responsibilities
310.440	Merit Compensation Salary Schedule
310.450	Procedures for Determining Annual Merit Increases
310.455	Intermittent Merit Increase
310.456	Merit Zone (Repealed)
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.495	Broad-Band Pay Range Classes
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units
310.520	Conversion of Base Salary to Daily or Hourly Equivalents
310.530	Implementation
310.540	Annual Merit Increase Guidechart for Fiscal Year 1997
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)
APPENDIX A	Negotiated Rates of Pay
TABLE A	HR-190 (Department of Central Management Services - State of Illinois Building - SEIU)
TABLE AA	NR-916 (Department of Natural Resources, Teamsters)
TABLE B	HR-200 (Department of Labor - Chicago, Illinois - SEIU)
TABLE C	RC-069 (Firefighters, AFSCME)
TABLE D	HR-001 (Teamsters Local #726)
TABLE E	RC-020 (Teamsters Local #330)
TABLE F	RC-019 (Teamsters Local #25)
TABLE G	RC-045 (Automotive Mechanics, IFPE)
TABLE H	RC-006 (Corrections Employees, AFSCME)
TABLE I	RC-009 (Institutional Employees, AFSCME)
TABLE J	RC-014 (Clerical Employees, AFSCME)
TABLE K	RC-023 (Registered Nurses, INA)
TABLE L	RC-008 (Boilermakers)
TABLE M	RC-110 (Conservation Police Lodge)
TABLE N	RC-010 (Professional Legal Unit, AFSCME)
TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
TABLE Q	RC-033 (Meat Inspectors, IFPE)
TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
TABLE S	HR-012 (Fair Employment Practices Employees, SEIU)
TABLE T	HR-010 (Teachers of Deaf, IFT)
TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
TABLE V	CU-500 (Corrections, Meet and Confer Employees)
TABLE W	RC-062 (Technical Employees, AFSCME)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENT

TABLE X	RC-063 (Professional Employees, AFSCME)
TABLE Y	RC-063 (Educators, AFSCME)
TABLE Z	RC-063 (Physicians, AFSCME)
APPENDIX B	Schedule of Salary Grades - Monthly Rates of Pay for Fiscal Year 1997
APPENDIX C	Medical Administrator Rates for Fiscal Year 1997
APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year 1997
APPENDIX E	Teaching Salary Schedule (Repealed)
APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
APPENDIX G	Broad-Band Pay Range Classes Salary Schedule

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg.



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENT

3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment 11 Ill. Reg. 17919, effective October 19, 1987; peremptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; peremptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 5, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; peremptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; peremptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; peremptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14,

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENT

1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; peremptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; peremptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; peremptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; peremptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27,

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENT

1996, for a maximum of 150 days; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; peremptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; peremptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. ~~1023~~ **1023**, effective January 6, 1997, for a maximum of 150 days.

## SUBPART B: SCHEDULE OF RATES

**Section 310.230 Part-Time Daily or Hourly Special Services Rate**  
**EMERGENCY**

The rate of pay as approved by the Director of Central Management Services for persons employed on a consultative or part-time basis requiring irregular hours of work shall be as listed below, except the total compensation of an employee in any given month shall not exceed the monthly rate of Step 5 of the salary grade for the title as shown in the Schedule of Salary Grades (Appendix B) of this Part if the class title is subject to the Schedule of Salary Grades, or Step 5 of the negotiated salary range for classes of positions shown in Section 310.220, Subpart B, Schedule of Rates, or 75% of the maximum rate of those classes of positions subject to the provisions of the Merit Compensation System, Subpart C of this Pay Plan.

Account Technician II	11.00 to 14.08 (hourly)
Apiary Inspector	83 to 106 (daily)
Building/Grounds Laborer	8.28 to 10.15 (hourly)
Building/Grounds Lead I	4.25 to 6.00 (hourly)
Building/Grounds Lead II	4.25 to 7.00 (hourly)
Building/Grounds Maintenance Worker	5.25 to 8.00 (hourly)
Chaplain I	5.00 to 6.00 (hourly)
Chemist I	32 to 70 (daily)
Conservation/Historic Preservation Worker	32 to 45 (daily)
Conservation/Historic Preservation Worker (2nd season -- site interpretation)	4.50 to 6.50 (hourly)
Conservation/Historic Preservation Worker (3rd season -- site interpretation)	4.64 to 6.50 (hourly)
Dentist I	4.78 to 6.50 (hourly)
Dentist II	70 to 150 (daily)
Educator	100 to 185 (daily)
	25 to 85 (daily)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENT

Educator Aide	32 to 35 (daily)
Guard II	67 to 84 (daily)
Guard III	75 to 96 (daily)
Hearing and Speech Coordinator	15 to 30 (hourly)
Hearings Referee	75 to 200 (daily)
Janitor I	4.73 to 5.30 (hourly)
Labor Maintenance Lead Worker	5.00 to 6.00 (hourly)
Labor Relations Investigator	35 to 70 (daily)
Laborer (Maintenance)	4.25 to 5.70 (hourly)
Maintenance Worker	4.25 to 5.00 (hourly)
Occupational Therapist	40 to 160 (daily)
Program Coordinator	8.12 to 10.40 (hourly)
Office Aide	60 to 78 (daily)
	8.12 to 10.71 (hourly)
	60 to 80 (daily)
Office Assistant	9.16 to 12.00 (hourly)
	68 to 90 (daily)
	9.16 to 12.36 (hourly)
	68 to 93 (daily)
Office Associate	9.80 to 13.05 (hourly)
	73 to 98 (daily)
	9.80 to 13.44 (hourly)
	73 to 101 (daily)
Office Clerk	8.58 to 11.15 (hourly)
	64 to 84 (daily)
	8.58 to 11.49 (hourly)
	64 to 86 (daily)
Optometrist	15 to 35 (hourly)
	50 to 160 (daily)
Physician	100 to 300 (daily)
Physician Specialist (A)	20 to 60 (hourly)
	100 to 325 (daily)
Physician Specialist (B)	20 to 70 (hourly)
	100 to 350 (daily)
Physician Specialist (C)	20 to 105 <del>75</del> (hourly)
	100 to 360 (daily)
Physician Specialist (D)	20 to 115 (hourly)
	100 to 370 (daily)
Podiatrist	50 to 125 (daily)
Psychologist I	35 to 80 (daily)
Psychologist II	40 to 125 (daily)
Psychologist III	40 to 150 (daily)
Recreation Worker I	5.33 (hourly)
	32 to 40 (daily)
Registered Nurse I	39 to 54 (daily)
Registered Nurse I	41 to 56 (daily)
(2nd or 3rd shift)	

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENT

Registered Nurse I (Cook County)	43 to 58 (daily)
Registered Nurse I (Cook County - 2nd or 3rd shift)	44 to 59 (daily)
Registered Nurse II	43 to 58 (daily)
Registered Nurse II (2nd or 3rd shift)	44 to 59 (daily)
Registered Nurse II (Cook County)	45 to 60 (daily)
Registered Nurse II (Cook County - 2nd or 3rd shift)	47 to 62 (daily)
Revenue Tax Specialist I	11.56 to 16.16 (hourly)
	86 to 122 (daily)
Social Worker II	35 to 75 (daily)
Social Worker III	35 to 80 (daily)
Student Worker	4.25 to 8.00 (hourly)
Technical Advisor II	32 to 35 (hourly)
Technical Advisor III	32 to 60 (hourly)
Veterinarian II	95 to 130 (daily)

(Source: Emergency amendment at 21 Ill. Reg. ~~1029~~, effective January 6, 1997, for a maximum of 150 days)

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Services Delivered by the Department
- 2) Code Citation: 89 Ill. Adm. Code 302
- 3) Section Numbers: Emergency Action:  
302.20 Amend  
302.400 Amend  
302.405 New
- 4) Statutory Authority: 20 ILCS 505
- 5) Effective Date of Amendments: January 1, 1997
- 6) If these emergency rules are to expire before the end of the 150-day period, please specify the date on which they are to expire: Not applicable

7) Date Filed in Agency's Principal Office: January 1, 1997

- 8) Reason for Emergency: The emergency amendments make available immediately to families the financial and legal benefits of a recently concluded agreement with the federal Department of Health and Human Services (HHS) to offer financial subsidies to relative caregivers and foster parents who assume legal guardianship of foster children who otherwise would spend many years in State custody. The Department was awarded federal demonstration status as one of four states selected for experimental waivers. Prior to this agreement, relative caregivers and foster families who assumed private guardianship responsibilities for foster children became ineligible for federal foster care assistance. The new option of subsidized guardianship will extend federal assistance to families in a manner that parallels subsidized adoption and will be offered only when the permanency goals of returning to parental custody or adoption have been ruled out as acceptable alternatives. The effective date of the demonstration is January 1, 1997.

The new program offers immediate and long-term benefits to both families and the State. Because guardianship is transferred from the State to a private caregiver, the Department no longer must provide ongoing administrative oversight and casework services to the family, which results in savings of 50% or more per child. The movement of children to the status of subsidized guardianship has the prospect of saving the State \$5,000 in annual payments per child and is estimated to save \$60 million over the life of the five-year demonstration project.

Also, private guardians, unlike foster parents, will not be required to attend administrative case reviews, report to the court (except for change of address), or cooperate with a service plan designed by the Department. Because no one except the court has the power to remove the children from



## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

the guardian's home, the family and child gain a greater degree of legal permanency than what foster care affords.

Although the Terms and Conditions of the Demonstration were finalized with the federal Department of Health and Human Services on October 15, 1996, the rules could not be filed at that time because further negotiations needed to continue with the central and regional offices on detailed aspects of the waiver program, including policies and procedures, cost allocation, and evaluation design. These negotiations recently concluded with a letter on December 20, 1996, and are embodied in the emergency amendments.

The Department believes it is in the best interests of those children who qualify for this program that the subsidized guardianship program be implemented without further delay. Therefore, it is issuing the new rules on an emergency basis.

- 9) A Complete Description of the Subjects and Issues Involved: The Department has received a waiver from the Federal Department of Health and Human Services to implement a demonstration project which offers a subsidized guardianship arrangement for children who have been in foster care for two or more years and who meet other criteria, as described in the rules, that indicate the child is likely to remain in substitute care. All foster parents and relative caregivers will be eligible for the new arrangement with the exception of those that reside in the cost neutrality areas which are described in the emergency amendments. Each guardianship will be established by court order. The financial and medical assistance offered under this program is modeled after the adoption assistance program and the same methodology for calculating the amount of financial assistance is used.

- 10) Are there any proposed amendments to this Part pending? No

- 11) Statement of Statewide Policy Objectives: These rules do not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

- 12) Information and questions regarding these rules shall be directed to:

Jacqueline Nottingham  
Chief, Office of Rules and Procedures  
Department of Children and Family Services  
406 East Monroe, Station #65  
Springfield, Illinois 62701-1498

217/524-1983

TTY: 217/524-3715

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

The full text of the emergency rules begins on the next page:

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

## TITLE 89: SOCIAL SERVICES

## CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## SUBCHAPTER a: SERVICE DELIVERY

## PART 302

## SERVICES DELIVERED BY THE DEPARTMENT

## SUBPART A: GENERAL PROVISIONS

## Section

302.10 Purpose

302.20 Definitions

302.30 Introduction

302.40 Department Service Goals

302.50 Functions in Support of Services

## SUBPART B: REPORTS OF SUSPECTED CHILD ABUSE OR NEGLECT (RECODIFIED)

## Section

302.100 Reporting Child Abuse or Neglect to the Department (Recodified)

302.110 Content of Child Abuse or Neglect Reports (Recodified)

302.120 Transmittal of Child Abuse or Neglect Reports (Recodified)

302.130 Special Types of Reports (Recodified)

302.140 Referrals to the Local Law Enforcement Agency and State's Attorney (Recodified)

302.150 Delegation of the Investigation (Recodified)

302.160 The Investigative Process (Recodified)

302.170 Taking Children Into Temporary Protective Custody (Recodified)

302.180 Notification of the Determination Whether Child Abuse or Neglect Occurred (Recodified)

302.190 Referral for Other Services (Recodified)

## SUBPART C: DEPARTMENT CHILD WELFARE SERVICES

## Section

302.300 Adoptive Placement Services

302.305 Adoption Listing Service for Special Needs Children

302.310 Adoption Assistance Agreements

302.311 Nonrecurring Adoption Expenses (Repealed)

302.315 Adoption Registry

302.320 Counseling or Casework Services

302.330 Day Care Services

302.340 Emergency Caretaker Services

302.350 Family Planning Services

302.360 Health Care Services

302.370 Homemaker Services

302.380 Information and Referral Services

302.390 Placement Services (Repealed)

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

302.400 Successor Guardianship

EMERGENCY302.405 Subsidized Guardianship ProgramEMERGENCY

## SUBPART D: INTENSIVE FAMILY PRESERVATION SERVICES

## Section

302.500 Purpose

302.510 Implementation of the Family Preservation Act

302.520 Types of Intensive Family Preservation Services

302.530 Phase In Plan for Statewide Family Preservation Services

302.540 Time Frames

APPENDIX A Acknowledgement of Mandated Reporter Status (Recodified)

APPENDIX B Calculating the Amount of Adoption Assistance

AUTHORITY: Implementing and authorized by the Children and Family Services Act [20 ILCS 505]; Section 3-6-2(g) of the Unified Code of Corrections [730 ILCS 5/3-6-2(g)]; the Illinois Alcoholism and Dangerous Drug Dependency Act [20 ILCS 305]; the Adoption Assistance and Child Welfare Act of 1980 (42 U.S.C.A. 670 et seq.); 45 CFR 1356.40 and 1356.41; the Juvenile Court Act of 1987 [705 ILCS 405]; and the Adoption Act [750 ILCS 50].

SOURCE: Adopted and codified at 5 Ill. Reg. 13188, effective November 30, 1981; amended at 6 Ill. Reg. 15529, effective January 1, 1983; recodified at 8 Ill. Reg. 992; peremptory amendment at 8 Ill. Reg. 5373, effective April 12, 1984; amended at 8 Ill. Reg. 12143, effective July 9, 1984; amended at 9 Ill. Reg. 2467, effective March 1, 1985; amended at 9 Ill. Reg. 9104, effective June 14, 1985; amended at 9 Ill. Reg. 15820, effective November 1, 1985; amended at 10 Ill. Reg. 5557, effective April 15, 1986; amended at 11 Ill. Reg. 1390, effective January 13, 1987; amended at 11 Ill. Reg. 1551, effective January 14, 1987; amended at 11 Ill. Reg. 1829, effective January 15, 1987; recodified to 89 Ill. Adm. Code 300 at 11 Ill. Reg. 3492, Sections 302.20, 302.100, 302.110, 302.120, 302.130, 302.140, 302.150, 302.160, 302.170, 302.180, 302.190, Appendix A; amended at 13 Ill. Reg. 18847, effective November 15, 1989; amended at 14 Ill. Reg. 3438, effective March 1, 1990; amended at 14 Ill. Reg. 16430, effective September 25, 1990; amended at 14 Ill. Reg. 19010, effective November 15, 1990; amended at 16 Ill. Reg. 274, effective December 31, 1992; emergency amendment at 17 Ill. Reg. 2513, effective February 10, 1993, for a maximum of 150 days; emergency expired on July 9, 1993; amended at 17 Ill. Reg. 13438, effective July 31, 1993; amended at 19 Ill. Reg. 9107, effective June 30, 1995; amended at 19 Ill. Reg. 9485, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10746, effective July 1, 1995, for a maximum of 150 days; emergency expired November 27, 1995; emergency amendment at 19 Ill. Reg. 16735, effective November 28, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 6670, effective May 1, 1996; emergency amendment at 21 Ill. Reg. 1033, effective January 1, 1997,

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

for a maximum of 150 days.

## SUBPART A: GENERAL PROVISIONS

**Section 302.20 Definitions**  
**EMERGENCY**

"Adoption assistance" or "adoption subsidy" means financial assistance from the Department which is provided to the adoptive parents after the finalization of an adoption.

"Adoption placement" means a living arrangement with a family which is directed toward establishing that family as the child's new legal parents.

"Biological father" means a man who was not married to the mother when the child was born and who has acknowledged his paternity in open court, or who has signed a statement acknowledging paternity, or who is legally presumed to be the father because he married the child's mother after the child's birth and his name appears on the child's official record of birth, or whose paternity is adjudicated in court. When paternity has been established in the above manner, the relatives of the biological father as well as those of the mother may be considered for the placement of the related children.

"Child welfare services" means publicly funded social services which are directed toward the accomplishment of the following purposes:

*protecting and promoting the welfare of all children, including homeless, dependent, or neglected children;*

*preventing or remedying, or assisting in the solution of problems which may result in, the neglect, abuse, exploitation, or delinquency of children;*

*preventing the unnecessary separation of children from their families by identifying family problems, assisting families in resolving their problems, and preventing breakup of the family where the prevention of child removal is desirable and possible;*

*restoring to their families children who have been removed, by the provision of services to the child and the families;*

*placing children in suitable adoptive homes, in cases where restoration to the biological family is not possible or appropriate;*

*assuring adequate care of children away from their homes, in*

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

*cases where the child cannot be returned home or cannot be placed for adoption;*

*providing supportive services and living maintenance which contributes to the physical, emotional and social well-being of children who are pregnant and unmarried;*

*providing shelter and independent living services for homeless youth; and*

*placing and maintaining children in facilities that provide separate living quarters for children under the age of 18 and for children 18 years of age and older, unless a child 18 years of age is in the last year of high school education or vocational training, in an approved individual or group treatment program, or in a licensed shelter facility. The Department is not required to place or maintain children:*

*who are in a foster home; or*

*who are developmentally disabled, as defined in the Mental Health and Developmental Disabilities Code; or*

*who are female children who are pregnant, pregnant and parenting or parenting; or*

*who are siblings,*

*in facilities that provide separate living quarters for children 18 years of age and older and for children under 18 years of age.*  
 [20 ILCS 505/5]

These services include but are not limited to: counseling, advocacy, day care, homemaker, emergency caretaker, family planning, adoption, placement, child protection and information and referral.

"Children for whom the Department is legally responsible" means children for whom the Department has temporary protective custody, custody or guardianship via court order, or children whose parent(s) has signed an adoptive surrender or voluntary placement agreement with the Department.

"Department" as used in this Part, means the Department of Children and Family Services.

"Family" means one or more adults and children, related by blood, marriage, or adoption and residing in the same household.



## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

"Minimum parenting standards" means that a parent or other person responsible for the child's welfare sees that the child is adequately fed, clothed appropriately for the weather conditions, provided with adequate shelter, protected from physical, mental and emotional harm, and provided with necessary medical care and education as required by law. A parent who has abandoned a child, deserted a child for three months, or failed to demonstrate a reasonable degree of interest, concern, or responsibility as to the welfare of a newborn child for 30 days after birth is deemed to have failed to have met the minimum parenting standards, unless the parent has arranged for the child's care in the home of a relative who is willing and capable of assuming responsibility for the child. In addition, a parent who is addicted to alcohol, or who is a drug addict, as defined in Section 1-103 of the Illinois Alcoholism and Other Drug Dependency Act [20 ILCS 305/1-103] and who has consistently failed to cooperate in a rehabilitation program for a period of at least twelve months is deemed to have failed to have met the minimum parenting standards unless the parent has arranged for the child's safety and well-being despite the parent's addiction.

"Parents" means the child's legal parents whose rights have not been terminated and adoptive parents. Biological fathers are considered legal parents when paternity has been established as required by the definition in this Section.

"Permanency goal" means the continuous living arrangement which the Department deems desirable for and available to the child. A permanent legal status is usually a component of the permanency goal. The means for attaining a permanency goal as well as the goal itself can change as the child's developmental and emotional needs change or as the child's and family's circumstances change.

"Permanent legal status" means a legally binding relationship between a child and a family as established by birth or a court of law.

"Private guardianship" means an individual person appointed by the court to assume the responsibilities of the guardianship of the person as defined in Section 1-3 of the Juvenile Court Act of 1987 [705 ILCS 405/1-3] or Article XI of the Probate Act of 1975 [755 ILCS 5/Art. XI].

"Relative," for purposes of placement of children for whom the Department is legally responsible, means any person, 21 years of age or over, other than the parent, who:

- is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, great-uncle, or great-aunt, or

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

- is the spouse of such relative, or
- is the child's step-father, step-mother, or adult step-brother or step-sister.

Relative also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, where the child and its sibling are placed together with that person. [20 ILCS 505/7(b)].

"Service constellation" means a variety of services provided to a child and his/her family.

"Service plan" means a written plan on a form prescribed by the Department in the plan toward the permanency goal for the children.

"Siblings" means children in the custody or guardianship of the Department who have a shared biological or adoptive parent.

"Subsidized Guardianship Program" means a child welfare demonstration project which offers a financial subsidy to relative care or licensed foster home caregivers who are willing to assume private guardianship of children who are eligible for the program. The Subsidized Guardianship Program is further defined in Section 302.405.1 Subsidized Guardianship.

"Successor guardianship" means the judicial transfer under Section 2-27, 2-28, 2-25, or 2-29 ~~Section-802-277-803-287-804-257-805-29~~ of the Juvenile Court Act of 1987 of the Department's guardianship duties and responsibilities for a minor to a related or unrelated person whom the child has lived with for a continuous period of a year or more before transfer of guardianship.

"Voluntary placement agreement" means a time-limited written request and consent from a parent, guardian or legal custodian of a child for placement of the child out of the home. When signed by designated Department staff, the Department agrees to provide child welfare services which include placement.

(Source: Emergency amendment at 21 Ill. Reg. **1033** =, effective January 1, 1997, for a maximum of 150 days)

## SUBPART C: DEPARTMENT CHILD WELFARE SERVICES

## Section 302.400 Successor Guardianship

EMERGENCY

- a) When Successor Guardianship is Appropriate  
Successor guardianship is a program available for only those children who meet the following criteria.

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

- 1) The child must be at least 14 years of age and must consent to the successor guardianship arrangement.
- 2) The child must have resided with the prospective successor guardian for at least one year immediately prior to establishing the successor guardianship.
- 3) The child must have been under Department guardianship for at least one year immediately prior to establishing the successor guardianship.
- 4) The child must not have medical, transportation, or personal expenses (e.g., expenses related to skills, interests, or hobbies) which would create a financial burden on the successor guardian.
- 5) The permanency goals of return home and adoption must have been ruled out for this child and the permanency goal of permanent family placement must be selected.
- 6) The parents must consent to the successor guardianship arrangement or the Department may proceed, for good cause, to seek a successor guardianship without parental consent provided that the parents are given notice of the guardianship petition hearing in accordance with Section 2-704-4 of the Juvenile Court Act [705 ILCS 405/2] ~~§§11-Rev-Stat-1993-ch-377-par-704-4~~. Good cause includes, but is not limited to:
  - A) Parental incarceration expected to last more than 180 days,
  - B) Parental illness, mental or physical incapacity, or addiction which is chronic and serious to the extent judgment is impaired,
  - C) Parental desertion, abandonment, or whereabouts unknown.

## b) Responsibilities of the Successor Guardian

- 1) Successor guardians assume all the duty and authority conferred upon such persons in ~~Section 1-11 of the Juvenile Court Act of 1987~~ [705 ILCS 405] ~~§§11-Rev-Stat-1993-ch-377-par-701-11~~. Successor guardians are responsible for making the major decisions in children's lives for whom they are guardian, but the Department shall provide consultation, including legal and medical consultation, upon request from the successor guardian. No fees shall be charged for the consultation.
- 2) Successor guardians are responsible for ensuring that parents have the opportunity to visit their children in accordance with the provisions/orders of the court.
- 3) Successor guardians are responsible for providing the Juvenile Court with updated case plans for the child once every six months.
- 4) Successor guardians are responsible for informing the Department when:
  - A) there have been significant changes in their circumstances or the child's circumstances which affect their ability to care for the child, such as substantial changes in income or expenses, changes in the composition of the household, or

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

- major health problems, they are receiving income for the child including, but not limited to Social Security benefits, Supplemental Security Income (SSI), Black Lung benefits, and child support,
- C) they stop supporting or caring for the child, or
  - D) the child runs away for longer than 72 hours.
  - 5) Successor guardians are responsible for requesting Department services if they are needed after guardianship has been transferred and post-transfer services have been provided.
  - c) Responsibilities of Department
    - 1) The Department shall initiate Juvenile Court proceedings to transfer guardianship and shall assume responsibility for costs related to these proceedings.
    - 2) The Department shall fully explain the duties and responsibilities of successor guardians and shall provide written guidelines for making complex legal or medical decisions. The successor guardian's compliance with the guidelines is not required.
    - 3) The Department shall, upon request of the successor guardian, provide consultation on major decisions free of charge.
    - 4) The Department shall assist the successor guardian in planning times and places for visitation, but is not responsible for arranging or supervising parental or sibling visitation.
    - 5) The Department shall offer post-transfer of guardianship services, such as counseling or homemaker services, for up to three months after guardianship has been transferred. No fees shall be charged for these services.
    - 6) The Department shall accept custody of the child in accordance with the Abused and Neglected Child Reporting Act [325 ILCS 5] ~~§§11-Rev-Stat-1993-ch-23-par-2051-et-seq~~ if the successor guardian does not care for him or her to the extent the child's health or well-being is endangered.
    - 7) The Department shall provide financial assistance for these children when their successor guardians request it and they meet eligibility requirements in Section 302.400(d), Subsidy for Successor Guardianship.
    - d) Subsidy for Successor Guardianship
      - 1) Successor guardians may apply for financial assistance toward the care of the children for whom they assume guardianship.
      - 2) The Department shall consider all relevant factors in determining whether initial or ongoing subsidized successor guardianship is in the best interests of the child including, but not limited to:
        - A) the wishes of the child's successor guardian;
        - B) the wishes of the child;
        - C) the interaction and interrelationship of the child with the successor guardian;
        - D) the child's adjustment to the present home, school, and community;

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

- E) the child's need for stability and continuity of relationship with the successor guardian;
- F) the mental and physical health of all individuals involved; and
- G) whether the successor guardian is financially supporting the child.

3) Ongoing monthly payments are available and are not to exceed \$25 less than the Department's regular Fiscal Year 1995 foster care payment rate. Regular monthly income from another source for the child shall be deducted from the maximum amount paid by the Department. The Department shall give the successor guardian written notice of any decrease in the amount of financial assistance at least 10 days prior to the effective date of the decrease.

4) Financial assistance is available after considering the relevant factors in subsection (d)(2) above until the child attains 18 years of age except that financial assistance may continue until the child attains 21 years of age if the child has a severe emotional disturbance, a physical disability, a social adjustment problem, or the child needs to complete an educational or vocational training program and, in the Department's judgement, it is in the child's best interests to remain in subsidized successor guardianship.

5) The Department and the successor guardian shall agree to the amount and duration of the financial assistance in writing. The amount of the financial assistance shall be reviewed at least annually. In determining the amount of financial assistance, several factors are reviewed including, but not limited to:

- A) the age of the child when entering the successor guardianship program; and
- B) current family size; and
- C) the needs of the child; and
- D) the family's gross income.

6) The Department shall not provide medical assistance to children in the successor guardianship program when payment of medical costs is available through the Department of Public Aid, insurance benefits, or other public programs.

e) Any children in the Successor Guardianship Program as of December 31, 1996 may remain in the program until such time as guardianship is transferred or terminated. However, no additional children will be accepted into this program as of January 1, 1997, except in the cost neutrality groups described in Section 302.405(f). Demonstration and Cost Neutrality Groups. The subsidy for these children will be calculated in accordance with Section 302.405(e). Subsidy for the Subsidized Guardianship Program.

(Source: Emergency amendment at 21 Ill. Reg. 1033, effective January 1, 1997, for a maximum of 150 days)

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

**Section 302.405 Subsidized Guardianship Program**  
**EMERGENCY**

a) Description. Subsidized guardianship is a program for which the Department has received waivers from the federal Department of Health and Human Services under Section 1130 of the Social Security Act to operate a child welfare demonstration project. The program offers a subsidized private guardianship arrangement for children for whom the permanency goals of return home and adoption have been ruled out as evidenced by an assessment documented in the service plan. The types of assistance that may be provided include:

- 1) payments of one-time court costs and legal fees, if required, in connection with the establishment of guardianship, up to a maximum of \$500;
- 2) payments for physical, emotional and mental health needs not wholly payable through insurance or other public resources that are associated with or result from a medical condition(s) whose onset has been established as occurring prior to the transfer of guardianship; and
- 3) ongoing monthly payments in an amount determined in each case by the Department in accordance with subsection (e) below.

b) When Subsidized Guardianship is Appropriate  
 Subsidized guardianship is a program available for only those children who meet the following criteria.

- 1) The child must have been in the legal custody of the State for two years or more immediately prior to establishing subsidized guardianship.
- 2) The child must have resided with the prospective private guardian (relative caregiver or non-relative licensed foster care provider) for at least one year immediately prior to establishing the subsidized guardianship. However, the one year placement requirement is not applicable for sibling groups when at least one sibling meets all other subsidized guardianship requirements.
- 3) A child living in the home of a non-relative must be at least 12 years of age. However, the age criteria is not applicable for sibling groups when at least one sibling meets all other subsidized guardianship criteria. However, if a child younger than 12 years of age is living in the home of a non-relative and has no older sibling for whom subsidized guardianship is being considered, the caseworker must determine that subsidized guardianship is in the child's best interests due to the length of time the child has been in the home, the age of the child, characteristics, limitations, and responsibilities including health and mobility of the caretakers or the special needs of the child. The basis for the best interest decision must be documented, and must be approved by the Department Guardianship Administrator or his or her designee.
- 4) The child must have a strong attachment to the potential guardian



## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

- and the guardian must have a strong commitment to the child.
- 5) Reunification efforts of the child with his or her family must have been ruled out despite reasonable efforts having been made to reunite the child with his or her parents as documented in the case record.
  - 6) Adoption must have been ruled out as a permanency goal for the child.
  - 7) The parents may consent to the subsidized guardianship arrangement or the Department may proceed, for good cause, to seek a private guardian without parental consent provided that notice is given of the guardianship petition hearing in accordance with Section 11-10.1(a) of the Probate Act [755 ILCS 5/11-10.1(a)].
  - 8) A child 14 years of age or older must consent to the initiation of the subsidized guardianship living arrangement.
  - 9) The prospective guardian must have no record of any felony convictions.
- c) Responsibilities of the Private Subsidized Guardian
- 1) Private guardians are responsible for ensuring that parents have the opportunity to visit their children in accordance with the provisions/orders of the court.
  - 2) Private guardians shall notify the Department as soon as practically possible in writing when the following changes occur which may affect the amount of the subsidy:
    - A) the child is no longer the legal responsibility of the subsidized guardian;
    - B) the child is no longer receiving financial support from the subsidized guardian;
    - C) the child no longer requires assistance for any special needs which were taken into consideration when calculating the amount of the subsidy;
    - D) the child becomes eligible for any benefit payments that would affect the monthly payment, such as Social Security benefits, Supplemental Security Income (SSI) benefits, veteran's benefits, railroad retirement or black lung benefits, financial settlements, payments, inheritance or gifts;
    - E) a change has occurred in the circumstances of the family that is relevant in determining the amount of assistance payments; or
    - F) there is a change of address.
- d) Responsibilities of Department
- 1) Prior to approving a subsidized guardianship arrangement for a child, the Department shall determine whether subsidized guardianship is in the best interests of the child. In making that determination the Department shall, through an assessment, consider all relevant factors including but not limited to:
    - A) the wishes of the child's prospective subsidized guardian;

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

- B) the wishes of the child under the age of 14 or the consent of the child, if over age 14;
  - C) the interaction and interrelationship of the child with the prospective subsidized guardian;
  - D) the child's adjustment to the present home, school, and community;
  - E) the child's need for stability and continuity of relationship with the prospective subsidized guardian; and
  - F) the mental and physical health of all individuals involved.
- 2) The Department shall ensure that the subsidized guardianship arrangement is a safe and suitable placement by means of a safety check which shall include a CANTS and LEADS check conducted within 30 days prior to finalization of the subsidized guardianship.
- 3) The Department shall ensure that members of sibling groups are placed together, unless there is an explicit determination that they should not be placed together for the reasons described in 89 Ill. Adm. Code 301, Placement and Visitation Services, when making placements under the subsidized guardianship program.
- 4) The Department will offer short-term support services for foster care and relative home providers prior to and during subsidized guardianship. Services will include preliminary screening, assessment, assistance in applying for subsidized guardianship, and payment for one time only court costs and legal fees, if required.
- 5) The Department shall provide children in the subsidized guardianship program with a full range of services under the Medicaid program which includes health care services and mental health care services.
- 6) The Department shall ensure that an orientation is provided to the family of the subsidized guardian to assure that all family members understand the benefits and responsibilities of all the participants in the subsidized guardianship arrangement.
- 7) The Department shall ensure that each prospective guardian has access to a caseworker who will respond to requests for information and assistance.
- 8) The Department shall ensure that all guardians are provided access to fair hearings under 89 Ill. Adm. Code 337, Service Appeal Process.
- 9) The Department shall accept custody of the child in accordance with the Abused and Neglected Child Reporting Act [325 ILCS 5] if the guardian does not care for him or her to the extent the child's health or well-being is endangered.
- 10) The Department shall provide financial assistance for these children in accordance with Section 302.405(e), Subsidy for Subsidized Guardianship.
- e) Subsidy for the Subsidized Guardianship Program
- 1) Although eligibility for a subsidy under the subsidized

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

guardianship program shall be determined regardless of the financial circumstances of the prospective subsidized guardian, the types and amounts of assistance under each subsidized guardianship agreement shall be determined by the Department on an individual basis in accordance with the formula described in Appendix B of this Part.

2) The subsidized guardianship agreement providing for ongoing monthly payments shall include an agreement with the subsidized guardian that the amount of any ongoing monthly payments calculated in accordance with Appendix B of this Part shall be reviewed at least annually and may be readjusted annually or more frequently using the formula in Appendix B. The amounts of ongoing subsidized guardianship payments are subject to change based on changes in State or federal law regarding adoption assistance payments. Subsidized guardians may refuse any or all payments offered by the Department.

3) A relative caregiver or licensed foster parent with a child determined to be eligible for the subsidized guardianship program shall be made aware of the availability of subsidized guardianship, and, in the case of ongoing monthly subsidized payment, and, in the case of ongoing monthly subsidized guardianship payments, that such payments are subject to review at least annually and may be readjusted as set forth in subsection (e)(2) above. In order to receive a subsidized guardianship payment, the subsidized guardianship agreement must be signed prior to finalization of the transfer to private guardianship.

4) The type(s), amount and duration of subsidized guardianship shall be agreed to in writing by the Department and the subsidized guardian prior to the finalization of the transfer to private guardianship, and shall be set forth in the subsidized guardianship agreement, which shall be binding on the parties to the agreement. The agreement shall also stipulate that the agreement shall remain in effect regardless of the state where the subsidized guardian resides currently or in the future and shall contain provisions for the protection of the interests of the child in cases where the subsidized guardian and child move to another state while the agreement is in effect. The duration of subsidized guardianship shall continue without further involvement by the court until termination when the child marries or dies, is emancipated, or reaches the age of 18. The guardianship will also terminate upon the death, incapacity, resignation, or removal of the guardian.

5) While guardianship is terminated under the Probate Act when a child reaches age 18, at the sole discretion of the Department financial assistance may be provided until age 21 for children with certain mental or physical handicapping conditions only.

f) Demonstration and Cost Neutrality Groups

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

Although participation in the subsidized guardianship program is Statewide, for purposes of meeting the cost neutrality, federal funding, and evaluation requirements of the federal waiver demonstrations, clients will be randomly assigned in three geographical areas of the State to a demonstration group or a cost neutrality group. The demonstration group will be subject to the waiver provisions of the demonstration, and the cost neutrality group will be subject to the regular treatment services according to the Department's rules and procedures. The three areas are:

- 1) the Cook Central Region.
- 2) the East St. Louis sub-region serving the following counties:

A) Madison;  
B) St. Clair;  
C) Bond;  
D) Clinton;  
E) Washington;  
F) Monroe; and  
G) Randolph.

- 3) the Peoria sub-region serving the following counties:

A) Fulton;  
B) Henderson;  
C) Knox;  
D) Warren;  
E) Henry;  
F) LaSalle;  
G) McDonough;  
H) Mercer;  
I) Rock Island;  
J) Tazewell;  
K) Woodford;  
L) Peoria;  
M) Bureau;  
N) Marshall;  
O) Putnam; and  
P) Stark.

(Source: Emergency amendment at 21 Ill. Reg. January 1, 1997, for a maximum of 150 days)

1033

effective

## DEPARTMENT ON AGING

## JANUARY 1997 REGULATORY AGENDA

- a) Part(s)(Heading and Code Citation): Community Care Program; 89 Ill. Adm. Code 240

1) Rulemaking:

- A) Description: This rulemaking implements Public Act 87-571 which allows for the development of up to three projects for a supported congregate living arrangement demonstration.

- B) Statutory Authority: 20 ILCS 105/4.01(11)

- C) Scheduled meeting/hearing date: The Department does not anticipate conducting public hearings on this rulemaking.

- D) Date agency anticipates First Notice: The Department anticipates First Notice during the period of time after January 1997, but prior to June 1997.

- E) Effect on small businesses, small municipalities, or not for profit corporations: This rulemaking will affect those small businesses, municipalities, local governments and not for profit corporations which may participate in the demonstration.

- F) Agency contact person for information:

Pamela W. Balmer, Assistant  
Office of General Counsel  
Illinois Department on Aging  
421 East Capitol Avenue #100  
Springfield, IL 62701-1789  
(217) 785-3346

- G) Related rulemakings and other pertinent information: None

- b) Part(s)(Heading and Code Citation): Illinois Long Term Care Insurance Partnership Program; 89 Ill. Adm. Code 260

1) Rulemaking:

- A) Description: This rulemaking implements Public Act 89-525, which authorizes the Long Term Care Insurance Partnership Program, converting it from pilot to program status.

- B) Statutory Authority: 320 ILCS 35

- C) Scheduled meeting/hearing date: The Department does not anticipate conducting public hearings on this rulemaking.

## DEPARTMENT ON AGING

## JANUARY 1997 REGULATORY AGENDA

- D) Date agency anticipates First Notice: The Department anticipates First Notice during the period of time after January 1997, but prior to June 1997.

- E) Effect on small businesses, small municipalities, or not for profit corporations: This rulemaking will affect the general public and providers of long term care insurance.

- F) Agency contact person for information:

Pamela W. Balmer, Assistant  
Office of General Counsel  
Illinois Department on Aging  
421 East Capitol Avenue #100  
Springfield, IL 62701-1789  
(217) 785-3346

- G) Related rulemakings and other pertinent information:

Title 89 Part 688 (Department of Rehabilitation Services)  
Title 89 Part 120 (Department of Public Aid)  
Title 50 Part 2018 (Department of Insurance)

Public Act 87-163 established the public-private Long Term Care Insurance Partnership Demonstration Program.



## CARNIVAL-AMUSEMENT SAFETY BOARD

## JANUARY 1997 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Carnival and Amusement Rides Safety Act, 56 Ill. Adm. Code 6000.50

1) Rulemaking:

- A) Description: The Department of Labor will ask the Board at their January 18, 1997 meeting to add two additional fees to the existing fee schedule.

The first will be a Scheduling Fee. This fee would only be assessed against those owners who apply for a Permit to Operate less than two weeks before their first scheduled day of operation.

The second will be a fee associated with scheduling an administrative hearing for the collection of past due fees.

- B) Statutory Authority: 430 ILCS 85/2-6

- C) Schedule of meetings and hearing dates: The date of the public hearing will be announced at the time the Notice of Proposed Amendments are published.

- D) Date agency anticipates First Notice: If the Board approves the Department's request, the first notice should be published in March.

- E) Information concerning this regulatory agenda shall be directed to:

Carl Kimble, P.E.  
Chief Inspector  
Illinois Department of Labor  
1 W. Old State Capitol Plaza, Suite 300  
Springfield, IL 62701  
(217) 782-9347

- F) Will this amendment affect small business, small municipalities or not for profit corporations? This amendment will affect only those owners who fail to file their application in a timely manner or who fail to pay their fees within the allotted time.

- G) Other pertinent information concerning this rule/amendment: None

## ILLINOIS COMMUNITY COLLEGE BOARD

## JANUARY 1997 REGULATORY AGENDA

- a) Part (Heading and Code Citation): Administration of the Illinois Public Community College Act; 23 Ill. Adm. Code 1501

- 1) Rulemaking: Proposed amendments to Section 1501.101 and 1501.114

- A) Description: The ICCB anticipates proposing amendments to the current rules on recognition for the fiscal year 1997-2002 recognition cycle.

- B) Statutory authority: 805 ILCS 2-12 and 2-15

- C) Scheduled meeting/hearing dates: None scheduled. The proposed changes will be distributed to the 49 Illinois public community colleges as a future action agenda item in the March 21 ICCB agenda materials. Pending comments/changes from the system, the rules changes will be sent to the ICCB for approval at its May 16 meeting, with submission to the Index Department immediately following board approval.

- D) Date agency anticipates First Notice: May 19, 1997

- E) Affect on small businesses, small municipalities or not-for-profit corporations: None

- F) Agency contact person for information:

Jill O'Shea  
Director for Governmental Relations  
Illinois Community College Board  
509 South Sixth Street, Suite 400  
Springfield, IL 62701-1874  
(217) 785-0213

- G) Related rulemakings and other pertinent information: None

- b) Part (Heading and Code Citation): Administration of the Illinois Public Community College Act; 23 Ill. Adm. Code 1501

- 1) Rulemaking: Proposed amendments to Section 1501.302

- A) Description: The ICCB is proposing amendments to the current rules on associate degrees.

- B) Statutory authority: 805 ILCS 2-12

- C) Scheduled meeting/hearing dates: None scheduled. The proposed changes will be distributed to the 49 Illinois public community

## ILLINOIS COMMUNITY COLLEGE BOARD

## JANUARY 1997 REGULATORY AGENDA

colleges as a future action agenda item in the January 17 ICCB agenda materials. Pending comments/changes from the system, the rules changes will be sent to the ICCB for approval at its March 21 meeting, with submission to the Index Department immediately following board approval.

D) Date agency anticipates First Notice: March 24, 1997

E) Affect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Jill O'Shea  
Director for Governmental Relations  
Illinois Community College Board  
509 South Sixth Street, Suite 400  
Springfield, IL 62701-1874  
(217) 785-0213

G) Related rulemakings and other pertinent information: None

## STATE BOARD OF EDUCATION

## JANUARY 1997 REGULATORY AGENDA

a) Part(s)(Heading and Code Citation): Public Schools Evaluation, Recognition and Supervision; 23 Ill. Adm. Code 1

1) Rulemaking:

A) Description: Changes will be made throughout Subpart A of Part 1 (School Accreditation) to implement changes in agency policy and practice regarding the recognition status of school districts.

Part 1 will be amended in two respects in response to P.A. 89-618. That Act made it permissible for districts to incorporate the required health education curriculum into their physical education programs in grades 5 through 10 (instead of just in grades 9 and 10) and made a change in Section 18-8 of the School Code regarding the use of time for parent-teacher conferences and teacher training. These changes will be reflected in Section 1.420.

B) Statutory Authority: 105 ILCS 5/2-3.6 and 2-3.25

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: April 25, 1997

E) Effect on small businesses, small municipalities, or not-for-profit corporations: None

F) Agency contact person for information:

Sally Vogl  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street  
Springfield, IL 62777  
(217) 782-0541

G) Related rulemakings and other pertinent information: None

b) Part(s)(Heading and Code Citation): Certification; 23 Ill. Adm. Code 25.

1) Rulemaking:

A) Description: Changes are needed in Part 25 to establish emergency registration procedures for the Illinois Certification Testing System and to establish the equivalency of general education requirements for several different certificates.

B) Statutory Authority: 105 ILCS 5/2-3.6

## STATE BOARD OF EDUCATION

JANUARY 1997 REGULATORY AGENDA

- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: February 14, 1997
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None
- F) Agency contact person for information:  
     Sally Vogl  
     Agency Rules Coordinator  
     Illinois State Board of Education  
     100 North First Street  
     Springfield, IL 62777  
     (217) 782-0541
- G) Related rulemakings and other pertinent information: None
- c) Part(s)(Heading and Code Citation): Special Education, 23 Ill. Adm. Code 226
- 1) Rulemaking:
- A) Description: Subpart J of this Part will be extensively revised to conform with requirements set forth in P.A. 89-652, which alters the due process system relative to special education effective July 1, 1997.
- B) Statutory Authority: 105 ILCS 5/Art. 14 and 2-3.6
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: January 17, 1997
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None
- F) Agency contact person for information:  
     Sally Vogl  
     Agency Rules Coordinator  
     Illinois State Board of Education  
     100 North First Street  
     Springfield, IL 62777  
     (217) 782-0541
- G) Related rulemakings and other pertinent information: None

## STATE BOARD OF EDUCATION

JANUARY 1997 REGULATORY AGENDA

- d) Part(s)(Heading and Code Citation): Student Records; 23 Ill. Adm. Code 375
- 1) Rulemaking:
- A) Description: Section 375.10 will need to be amended to accommodate the new requirement set forth in P.A. 89-610 that students' scores on the Illinois Goal Assessment Program (IGAP) tests and the Prairie State Achievement Test become part of their permanent records. The rule as currently written would not permit the inclusion of this material. Additionally, Section 375.75 is now incomplete in the absence of a reference to new requirements instituted by P.A. 89-622 regarding certain grounds for suspension and expulsion.
- B) Statutory Authority: 105 ILCS 5/10 and 2-3.13a
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: January 31, 1997
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None
- F) Agency contact person for information:  
     Sally Vogl  
     Agency Rules Coordinator  
     Illinois State Board of Education  
     100 North First Street  
     Springfield, IL 62777  
     (217) 782-0541
- G) Related rulemakings and other pertinent information: None
- e) Part(s)(Heading and Code Citation): Health Examinations and Immunizations; 23 Ill. Adm. Code 625
- 1) Rulemaking:
- A) Description: Several Sections in Part 625 are affected by P.A. 89-618, which permits school districts to establish a date earlier than October 15 for the exclusion of students who do not present proof of required health examinations or immunizations. Other technical corrections will also be needed in order for the rules to conform to Section 27-8.1 of the School Code as amended by the same Act.



## STATE BOARD OF EDUCATION

## JANUARY 1997 REGULATORY AGENDA

- B) Statutory Authority: 105 ILCS 5/2-3.6
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: February 28, 1997
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None
- F) Agency contact person for information:  
Sally Vogl  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street  
Springfield, IL 62777  
(217) 782-0541
- G) Related rulemakings and other pertinent information: None

## HEALTH FACILITIES PLANNING BOARD

## JANUARY 1997 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Narrative & Planning Policies; 77 Ill. Adm. Code 1100
- 1) Rulemaking:
- A) Description: Part 1100 will be amended to revise certificate of need services criteria, concerning but not limited to general long-term care, Magnetic Resonance Imaging (MRI), Therapeutic Radiology and End Stage Renal Disease services.
- B) Statutory Authority: Health Facilities Planning Act, (20 ILCS 3960).
- C) Scheduled meeting/hearing dates: A public hearing will be scheduled during the first notice comment period.
- D) Date agency anticipates First Notice: Amendments for proposal must be approved by the Board prior to *Illinois Register* publication. A June 1997 first notice publication is anticipated.
- E) Affect on small businesses, small municipalities or not for profit corporations: Proposed amendments to Part 1100 are not anticipated to have an adverse impact upon health care facilities.
- F) Agency contact person for information:  
Donald Jones  
Health Facilities Planning Board  
Division of Facilities Development  
525 West Jefferson, 2nd Floor  
Springfield, IL 62761  
217/782-3516
- G) Related rulemakings and other pertinent information: None
- b) Part(s) (Heading and Code Citation): Processing, Classification Policies and Review Criteria; 77 Ill. Adm. Code 1110
- 1) Rulemaking:
- A) Description: Part 1110 will be amended to revise certificate of need services criteria, concerning but not limited to general long-term care, Magnetic Resonance Imaging (MRI), Therapeutic Radiology and End Stage Renal Disease services.
- B) Statutory Authority: Health Facilities Planning Act, (20 ILCS 3960).

## HEALTH FACILITIES PLANNING BOARD

## JANUARY 1997 REGULATORY AGENDA

C) Scheduled meeting/hearing dates: A public hearing will be scheduled during the first notice comment period.

D) Date agency anticipates First Notice: Amendments for proposal must be approved by the Board prior to *Illinois Register* publication. A June 1997 first notice publication is anticipated.

E) Affect on small businesses, small municipalities or not for profit corporations: Proposed amendments to Part 1110 are not anticipated to have an adverse impact upon health care facilities.

F) Agency contact person for information:

Donald Jones  
Health Facilities Planning Board  
Division of Facilities Development  
525 West Jefferson, 2nd Floor  
Springfield, IL 62761  
217/782-3516

G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citation): Health Facilities Planning Procedural Rules; 77 Ill. Adm. Code 1130

1) Rulemaking:

A) Description: Part 1130 will be amended to revise procedural rules concerning clarification of transactions that are by or on behalf of a health care facility, changes to exemption requirements for certain transactions, revisions to post permit requirements such as definition of obligation, tolling of permit expiration dates due to litigation and definition of project.

B) Statutory Authority: Health Facilities Planning Act, (20 ILCS 3960).

C) Scheduled meeting/hearing dates: A public hearing will be scheduled during the first notice comment period.

D) Date agency anticipates First Notice: Proposed amendments must be approved by the Board prior to *Illinois Register* publication. A February 1997 first notice publication is anticipated.

E) Affect on small businesses, small municipalities or not for profit corporations: Proposed amendments to Part 1130 are not anticipated to have an adverse impact upon health care facilities.

## HEALTH FACILITIES PLANNING BOARD

## JANUARY 1997 REGULATORY AGENDA

F) Agency contact person for information:

Donald Jones  
Health Facilities Planning Board  
Division of Facilities Development  
525 West Jefferson, Second Floor  
Springfield, IL 62761  
217/782-3516

G) Related rulemakings and other pertinent information: None

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## JANUARY 1997 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): National Affordable Housing Act (HOME) Program

1) Rulemaking:

- A) Description: Amends rules to bring them into conformity with the federal HOME Program regulations.

- B) Statutory Authority: This rule-making implements Title II of the National Affordable Housing Act of 1990 (P.L. 101-165) (the "HOME Act") and the regulations promulgated thereunder (24 CFR Part 92) and are authorized by Sections 7.2, 7.19, 7.24(a) and 7.25 of the Illinois Housing Development Act [20 ILCS 3805/7.2, 7.19, 7.24(a) and 7.25].

- C) Scheduled meeting/hearing date: February 21, 1997

- D) Date agency anticipates First Notice: March 1997

- E) Affect on small businesses, small municipalities or not for profit corporations: Affects Real estate developers.

- F) Agency contact person for information:

Crystal Maher, Esq.  
Illinois Housing Development Authority  
401 N. Michigan Ave., Ste. 900  
Chicago, IL 60611  
(312) 836-5333

- G) Related rulemakings and other pertinent information: None

- b) Part(s) (Heading and Code Citation): Affordable Housing Bond Program, 47 Ill. Adm Code 365

1) Rulemaking:

- A) Description: Amends rules to reflect timing of loan.

- B) Statutory Authority: Sections 7.19 and 7.25 of the Illinois Housing Development Act [20 ILCS 3805/7.19 and 7.25] and Sections 4 and 7(e) of the Illinois Affordable Housing Act [310 ILCS 65/4 and 7(e)].

- C) Scheduled meeting/hearing date: February 21, 1996

- D) Date agency anticipates First Notice: April 1997

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## JANUARY 1997 REGULATORY AGENDA

- E) Affect on small businesses, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

Lori Silver-Finkel, Esq.  
Illinois Housing Development Authority  
401 N. Michigan Ave., Ste. 900  
Chicago, IL 60611  
(312) 836-7341

- G) Related rulemakings and other pertinent information: None

- c) Part(s) (Heading and Code Citation): Public Information, Rulemaking and Organization, 2 Ill. Adm. Code 1975

1) Rulemaking:

- A) Description: Amends the number of board members in a quorum.

- B) Statutory Authority: Sections 3805/6 of the Illinois Housing Development Act.

- C) Scheduled meeting/hearing date: March 21, 1997

- D) Date agency anticipates First Notice: April 1997

- E) Affect on small businesses, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

Richard B. Muller, Esq.  
Illinois Housing Development Authority  
401 N. Michigan Ave., Ste. 900  
Chicago, IL 60611  
(312) 836-5327

- G) Related rulemakings and other pertinent information: None

- d) Part(s) (Heading and Code Citation): Low-Income Housing Tax Credit Allocation, 47 Ill. Adm. Code 350

1) Rulemaking:

- A) Description: Amends rules to bring them into conformity with the



## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## JANUARY 1997 REGULATORY AGENDA

Illinois Housing Development Authority's Tax Credit Allocation Plan and Section 42 of the Internal Revenue Code (26 U.S.C., Section 42).

B) Statutory Authority: Sections 3805/7.24 of the Illinois Housing Development Act.

C) Scheduled meeting/hearing date: May 16, 1997

D) Date agency anticipates First Notice: June 1997

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Richard B. Muller, Esq.  
Illinois Housing Development Authority  
401 N. Michigan Ave., Ste. 900  
Chicago, IL 60611  
(312) 836-5327

G) Related rulemakings and other pertinent information: None

e) Part(s) (Heading and Code Citation): Single Family Mortgage Purchase Program II, 47 Ill. Adm. Code 250, Homeowner Mortgage Revenue Bond Program, 47 Ill. Adm. Code 260, Multifamily Rental Housing Mortgage Loan Program, 47 Ill. Adm. Code 310, Affordable Housing Program, 47 Ill. Adm. Code 360, Affordable Housing Bond Program, 47 Ill. Adm. Code 365, Affordable Housing Bond Program - Single Family, 47 Ill. Adm. Code 366, National Affordable Housing Act (HOME) Program, 47 Ill. Adm. Code 370.

1) Rulemaking:

A) Description: Amends waiver section of rules to comply with the Illinois Administrative Procedure Act.

B) Statutory Authority: Implementing the Mortgage Subsidy Bond Tax Act of 1980 (26 U.S.C. Section 103A; Sections 4 and 7(e) of the Illinois Affordable Housing Act (Ill. Rev. Stat. 1989, ch. 67 1/2, pars. 1254 and 1257); Sections 3805/7.14, 3805/7.19, 3805/7.23, 3805/7.25 of the Illinois Housing Development Act [20 ILCS 3805/7.19 and 3805/7.23]; Implements Title II of the National Affordable Housing Act of 1990 (P.L. 101-165) and the regulations promulgated thereunder (24 CFR Part 92); authorized by Sections 7.2, 7.19, 7.24(a) and 7.25 of the Illinois Housing Development Act (Ill. Rev. Stat. 1991, ch. 67 1/2, pars. 307.19,

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## JANUARY 1997 REGULATORY AGENDA

307.24(a) and 307.25).

C) Scheduled meeting/hearing date: September 19, 1997

D) Date agency anticipates First Notice: October 1997

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Stephanie Roodman, Esq.  
Illinois Housing Development Authority  
401 N. Michigan Ave., Ste. 900  
Chicago, IL 60611  
(312) 836-5343

G) Related rulemakings and other pertinent information: None

## DEPARTMENT OF INSURANCE

## JANUARY 1997 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Mortgage Guaranty Insurance, 50 Ill. Adm. Code 202

1) Rulemaking:

A) Description: This rulemaking will amend the definition of "Authorized real estate security" found in Section 202.20. This amendment will allow the Department to incorporate current loan to value standards and will clarify appropriate use of the term.

B) Statutory Authority: Implementing Article II and authorized by Section 4 and 401 of the Illinois Insurance Code [215 ILCS 5/6 et seq., 4 and 401].

C) Scheduled meeting/hearing date: None have been scheduled.

D) Date agency anticipates First Notice: April 1, 1997

E) Affect on small businesses, small municipalities or not for profit corporations: This amendment will not affect small businesses.

F) Agency contact person for information:

Cynthia Stephenson  
Department of Insurance  
320 West Washington Street  
Fourth Floor  
Springfield, IL 62767-0001  
(217) 782-1785

G) Related rulemakings and other pertinent information: None

- b) Part(s) (Heading and Code Citation): Prior Notification of Transactions

1) Rulemaking:

A) Description: This amendment will establish requirements for prior notification to be made to the Director for appropriate collateralization of reinsurance agreements between affiliated companies.

B) Statutory Authority: Implementing Article VIII 1/2 and authorized by Sections 131.20a(1) and 401 of the Illinois Insurance Code [215 ILCS 5/131.1, 131.20a(1) and 401].

C) Scheduled meeting/hearing date: None have been scheduled.

## DEPARTMENT OF INSURANCE

## JANUARY 1997 REGULATORY AGENDA

- D) Date agency anticipates First Notice: February 1, 1997

E) Affect on small businesses, small municipalities or not for profit corporations: This amendment will not affect small businesses.

F) Agency contact person for information:

Cynthia Stephenson  
Department of Insurance  
320 West Washington Street  
Fourth Floor  
Springfield, IL 62767-0001  
(217) 782-1785

G) Related rulemakings and other pertinent information: None

DEPARTMENT OF MENTAL HEALTH  
AND DEVELOPMENTAL DISABILITIES

JANUARY 1997 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Office of the Inspector General Investigations of Alleged Incidents of Abuse and Neglect in Community Agencies (59 Ill. Adm. Code 50)

1) Rulemaking:

A) Description: This rulemaking will implement Senate Bill 388 (P.A. 89-427, effective December 7, 1995) which amended the inspector general provisions of the Abused and Neglected Long Term Care Facility Residents Reporting Act [210 ILCS 30/6.2 through 6.8]. This rulemaking will establish minimum requirements for initiating, conducting and completing investigations by the Office of the Inspector General of allegations of abuse or neglect in community agencies.

B) Statutory Authority: Implementing Sections 6.2 through 6.8 of the Abused and Neglected Long Term Care Facility Residents Reporting Act [210 ILCS 30/6.2 through 6.8] and authorized by Section 6.2 of the Abused and Neglected Long Term Care Facility Residents Reporting Act [210 ILCS 30/6.2].

C) Scheduled meeting/hearing date: The Department has scheduled a mid-January meeting of the work group to begin discussing a preliminary draft of this rulemaking. The work group is composed of Department employees and members of interest groups which represent community agencies serving the mentally disabled as well as representative from employees' associations. The work group will meet periodically to discuss this rulemaking and will be actively involved in the formal rulemaking process. The agencies which the members of the work group represent, will be kept informed of this rulemaking during the its development, will receive copies of the rulemaking during the first notice period and will be invited to make comments on that rulemaking.

D) Date agency anticipates First Notice: June 1996

E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect community providers of mental health and developmental disabilities services.

F) Agency contact person for information:

Karl Menninger, II  
Bureau of Rules, Policies and Regulatory Review  
401 Stratton Building  
Springfield, IL 62765  
(217) 782-6702

DEPARTMENT OF MENTAL HEALTH  
AND DEVELOPMENTAL DISABILITIES

JANUARY 1997 REGULATORY AGENDA

- G) Related rulemakings and other pertinent information: None

- b) Part(s) (Heading and Code Citation): Treatment and Habilitation Services (59 Ill. Adm. Code 112)

1) Rulemaking:

A) Description: This Part regulates the utilization review process, the admission, treatment and habilitation of persons with mental retardation, physical and dental examinations of recipients of services, the use of informed consent, release and burial of deceased recipient, protection of human subjects, and the use of narcotics and the use and administration of psychotropic drugs in Department facilities.

Sections 112.10 will be amended to clarify that individuals admitted to the Department under the provisions of Article 104 of the Code of Criminal Procedure of 1963 or Section 5-2-4 of the Unified Code of Corrections and those individuals admitted under these same statutes who are moved from one Department facility to another Department facility are not entitled to a utilization review hearing.

B) Statutory Authority: Implementing Sections 3-207, 3-405, 3-903, 3-910, 4-209, 4-312, 4-704 and 4-709 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/3-207, 3-405, 3-903, 3-910, 4-209, 4-312, 4-704 and 4-709] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/5].

C) Scheduled meeting/hearing date: The Department has not scheduled any hearings on this rulemaking.

D) Date agency anticipates First Notice: January 1997

E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking will not affect small business, small municipalities or not for profit corporations. This rulemaking will only affect Department-operated facilities.

F) Agency contact person for information:

Karl Menninger, II  
Bureau of Rules, Policies and Regulatory Review  
401 Stratton Building



DEPARTMENT OF MENTAL HEALTH  
AND DEVELOPMENTAL DISABILITIES

JANUARY 1997 REGULATORY AGENDA

Springfield, IL 62765  
(217) 782-6702

G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citation): Purchase of Service Programs for Individuals with a Developmental Disability (59 Ill. Adm. Code 114)

1) Rulemaking:

A) Description: This new Part establishes the Department's policies and procedures for funding community-based services for eligible individuals in purchase of service-funded programs.

B) Statutory Authority: Implementing Section 3 of the Community Services Act [405 ILCS 30/3], the Community Residential Alternatives Licensing Act [210 ILCS 140], the Community-Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135] and Sections 15 and 15.2 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/15 and 15.2] and authorized by the Community Residential Alternatives Licensing Act [210 ILCS 140], Section 9 of the Community-Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135/9], Section 5-104 of the Mental Health and Developmental Disabilities Code and Sections 15 and 15.2 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/15 and 15.2].

C) Scheduled meeting/hearing date: The Department has not scheduled any hearings on this rulemaking. However, the Department routinely involves providers of services to individuals with developmental disabilities or mental illness in the development of its rules and amendments to those rules, through the formation of committees on which the providers and other interested parties serve. In this manner, the public affected by the rulemaking can actively participate in the rulemaking's development.

D) Date agency anticipates First Notice: June 1997

E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect community providers of purchase of service programs for individuals with developmental disabilities.

F) Agency contact person for information:

DEPARTMENT OF MENTAL HEALTH  
AND DEVELOPMENTAL DISABILITIES

JANUARY 1997 REGULATORY AGENDA

Karl Menninger, II  
Bureau of Rules, Policies and Regulatory Review  
401 Stratton Building  
Springfield, IL 62765  
(217) 782-6702

G) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citation): Family Assistance and Home-Based Support Programs for Persons with Mental Disabilities (59 Ill. Adm. Code 117)

1) Rulemaking:

A) Description: The Home-Based Support Services Law for Mentally Disabled Adults [405 ILCS 80/2-1] authorizes the Department to encourage, develop, sponsor and fund home-based services for adults who are mentally disabled in order to provide alternatives to institutionalization and to permit them to remain in their own homes.

The Family Assistance Law for Mentally Disabled Children [405 ILCS 80/3-1] mandates the Department to strengthen and promote families who provide care in the family home for children whose level of mental illness or developmental disability constitutes a risk of out-of-home placement.

Part 117 will be amended to implement P.A. 88-388, effective August 20, 1993 as well as to clarify Department policy concerning the use of funds which providers and families receive through the programs regulated by these rules. It is also being amended to clarify the random selection process which is used to choose individuals for participation in the programs and to clarify which individuals are entitled to have a hearing. Criteria for service termination will be expanded, provisions for a lump sum payment to participating families and for the reinstatement of a stipend will be added, and the eligibility criteria for adults with mental illness will be changed. In addition, numerous technical changes, such as updating statutory citations, will be made.

B) Statutory Authority: Implementing the Home-Based Support Services Law for Mentally Disabled Adults [405 ILCS 80/2-1] and the Family Assistance Law for Mentally Disabled Children [405 ILCS 80/3-1] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104 and Section 5 of the Department of Mental Health and Developmental Disabilities Act

DEPARTMENT OF MENTAL HEALTH  
AND DEVELOPMENTAL DISABILITIES

JANUARY 1997 REGULATORY AGENDA

[20 ILCS 1705/5].

- C) Scheduled meeting/hearing date: The Department has not scheduled any hearings on this rulemaking. However, the Department routinely involves other State agencies, such as the Department of Public Aid, and providers of services to individuals with developmental disabilities or mental illness in the development of its rules and amendments to those rules, through the formation of committees on which the providers and other State agencies are represented. In this manner, the public affected by the rulemaking, can actively participate in the rulemaking's development.

D) Date agency anticipates First Notice: March 1997

- E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect community providers of mental health and developmental disabilities services.

F) Agency contact person for information:

Karl Menninger, II  
Bureau of Rules, Policies and Regulatory Review  
401 Stratton Building  
Springfield, IL 62765  
(217) 782-6702

G) Related rulemakings and other pertinent information: None

- e) Part(s) (Heading and Code Citation): Intermediate Care Programs for Persons with Developmental Disabilities (59 Ill. Adm. Code 144) (title is tentative)

1) Rulemaking:

- A) Description: This rulemaking will involve the development of one or more Parts. Initially, one Department of Public Aid rule concerning intermediate care programs for persons with developmental disabilities will be recodified as Department of Mental Health and Developmental Disabilities rules. These rules will then be amended as necessary. This action is being taken in response to House Bill 3713 (P.A. 87-9666, effective January 1, 1993) which transfers the responsibility for these programs from the Department of Public Aid to the Department of Mental Health and Developmental Disabilities.

DEPARTMENT OF MENTAL HEALTH  
AND DEVELOPMENTAL DISABILITIES

JANUARY 1997 REGULATORY AGENDA

- B) Statutory Authority: Implementing Section 18.2 of the Mental Health and Developmental Disabilities Act [20 ILCS 1705/18.2 and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104 and Section 5 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/5].

- C) Scheduled meeting/hearing date: The Department has not scheduled any hearings on this rulemaking. However, the Department routinely involves other State agencies, such as the Department of Public Aid, and providers of services to individuals with developmental disabilities or mental illness in the development of its rules and amendments to those rules, through the formation of committees on which the providers and other State agencies are represented. In this manner, the public affected by the rulemaking can actively participate in the rulemaking's development.

D) Date agency anticipates First Notice: March 1997

- E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect community providers of intermediate care facilities for individuals with developmental disabilities.

F) Agency contact person for information:

Karl Menninger, II  
Bureau of Rules, Policies and Regulatory Review  
401 Stratton Building  
Springfield, IL 62765  
(217) 782-6702

G) Related rulemakings and other pertinent information: None

DEPARTMENT OF PROFESSIONAL REGULATION

PROFESSIONAL COUNSELOR BOARD

Re: Rules, Regulations and Code of Conduct, Professional Counselor Board, (68 Ill. Adm. Code 1315)

1) Rulemaking:

A) Description: The proposed rulemaking will be added to the professional counselor and clinical professional counselor rules. The section will set forth professional ethics standards for licensed professional counselors and licensed clinical professional counselors. An appendix will be added defining the courses set forth in section 1315.05 for approved programs. The newness of regulation of this profession.

B) Statutory Authority: (225 ILCS 101)

C) Scheduled meeting/hearing date: No hearings have been scheduled, but numerous meetings have been held with the professional counselor board and the professional board and rules will be on the agenda of future board meetings and the proposed amendments are ready for publication in the Illinois Register.

D) Have agency personnel been notified? Yes

E) Affect on small businesses, small municipalities or not for profit organizations: The proposed professional counselor and clinical professional counselor rules will be required to meet professional ethics standards set forth in the rules.

F) Agency contact person for information:

Department of Professional Regulation  
Attention: Jean E. Conner  
320 West Washington, 3rd Floor  
Springfield, IL 62760  
217/782-0813 Fax: 217/782-7665

G) Related rulemakings and other pertinent information: None

H) Rules (Reading and Code of Conduct) (68 Ill. Adm. Code 1430)

1) Rulemaking:

A) Description: The Professional Counselor rules are being revised due to the Sunset Review of the Public Accounting Act. Continuing

DEPARTMENT OF PROFESSIONAL REGULATION

PROFESSIONAL COUNSELOR BOARD

Re: Rules, Regulations and Code of Conduct, Professional Counselor Board, (68 Ill. Adm. Code 1315)

B) Statutory Authority: (225 ILCS 425)

C) Scheduled meeting/hearing date: No hearings have been scheduled, but numerous meetings have been held with the professional counselor and rules will be on the agenda of future board meetings and the proposed amendments are ready for publication in the Illinois Register.

D) Have agency personnel been notified? Yes

E) Affect on small businesses, small municipalities or not for profit organizations: The proposed professional counselor rules will be required to follow professional counselor rules.

F) Agency contact person for information:

Department of Professional Regulation  
Attention: Jean E. Conner  
320 West Washington, 3rd Floor  
Springfield, IL 62760  
217/782-0813 Fax: 217/782-7665

G) Related rulemakings and other pertinent information: None

H) Rules (Reading and Code of Conduct) (68 Ill. Adm. Code 1285)

1) Rulemaking:

A) Description: The medical rules will be amended to update sections regarding medical professional counselor licensure program. (1285.40), application for examination (1285.50), licensure by endorsement (1285.80), and the proposed amendments (1285.90), the renewal section (1285.120) to allow for hearings of licensees whom the department intends to deny, and other sections as may be needed as a result of the 1991 Sunset Review of the Act.

B) Statutory Authority: (225 ILCS 425)

C) Scheduled meeting/hearing date: No hearings have been scheduled, but numerous meetings have been held with the medical board and rules will be on the agenda of future board meetings and the proposed amendments are ready for publication in the Illinois Register.



## DEPARTMENT OF PROFESSIONAL REGULATION

## JANUARY 1997 REGULATORY AGENDA

- D) Date agency anticipates First Notice: Unknown
- E) Affect on small businesses, small municipalities or not for profit corporations: The effects on licensed physicians are yet to be determined.
- F) Agency contact person for information:  
 Department of Professional Regulation  
 Attention: Jean A. Courtney  
 320 West Washington, 3rd Floor  
 Springfield, IL 62786  
 217/785-0813 Fax: 217/782-7645
- G) Related rulemakings and other pertinent information: None
- d) Part(s) (Heading and Code Citation): Rules of Practice in Administrative Hearings (68 Ill. Adm. Code 1110)
- 1) Rulemaking:
- A) Description: The administrative rules are being rewritten in their entirety.
- B) Statutory Authority: [225 ILCS 85]
- C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:  
 Department of Professional Regulation  
 Attention: Jean A. Courtney  
 320 West Washington, 3rd Floor  
 Springfield, IL 62786  
 217/785-0813 Fax: 217/782-7645
- G) Related rulemakings and other pertinent information: None
- e) Part(s) (Heading and Code Citation): Professional Geologist Licensing Act (68 Ill. Adm. Code 1252)

## DEPARTMENT OF PROFESSIONAL REGULATION

## JANUARY 1997 REGULATORY AGENDA

- 1) Rulemaking:
- A) Description: A new Part will be written to implement the Act that created this newly regulated profession in Illinois. When the rules are adopted, the Department can start accepting applications for licensure of geologists.
- B) Statutory Authority: [225 ILCS 745]
- C) Scheduled meeting/hearing date: No hearings have been scheduled, but meetings have been held with the newly appointed Board of Licensing for Professional Geologists and rules will be on the agenda of future Board meetings until the Department's proposed rules are ready for publication in the *Illinois Register*.
- D) Date agency anticipates First Notice: Unknown
- E) Affect on small businesses, small municipalities or not for profit corporations: No person may, without a valid license issued by the Department, hold himself or herself out to the public as a licensed professional geologist; attach the title "Licensed Professional Geologist" to his or her name; or render or offer to render to individuals, corporations, or public agencies services constituting the practice of professional geology.
- F) Agency contact person for information:  
 Department of Professional Regulation  
 Attention: Jean A. Courtney  
 320 West Washington, 3rd Floor  
 Springfield, IL 62786  
 217/785-0813 Fax: 217/782-7645
- G) Related rulemakings and other pertinent information: None
- f) Part(s) (Heading and Code Citation): The Respiratory Care Practice Act (68 Ill. Adm. Code 1456)
- 1) Rulemaking:
- A) Description: Public Act 89-0033, effective January 1, 1996, provides for the licensure of respiratory care practitioners. When adopted, new rules will allow the Department to start accepting applications for this newly regulated profession in Illinois.
- B) Statutory Authority: [225 ILCS 106]

## DEPARTMENT OF PROFESSIONAL REGULATION

## JANUARY 1997 REGULATORY AGENDA

C) Scheduled meeting/hearing date: No hearings have been scheduled, but numerous meetings have been held with the newly appointed Respiratory Care Board and rules will be on the agenda of future Board meetings until the Department's proposed rules are ready for publication in the *Illinois Register*.

D) Date agency anticipates First Notice: Unknown

E) Affect on small businesses, small municipalities or not for profit corporations: Persons engaged in the practice of respiratory care in Illinois will be required to obtain a license from the Department of Professional Regulation in order to call themselves respiratory care practitioners.

F) Agency contact person for information:

Department of Professional Regulation  
Attention: Jean A. Courtney  
320 West Washington, 3rd Floor  
Springfield, IL 62786  
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None

g) Part(s) (Heading and Code Citation): Illinois Occupational Therapy Practice Act (68 Ill. Adm. Code 1315)

1) Rulemaking:

A) Description: Sections involving supervision, program approval and the licensure examination will be amended to update the rules to conform to current practices. Other sections also will be updated, including an expanded professional conduct section.

B) Statutory Authority: [225 ILCS 75]

C) Scheduled meeting/hearing date: No hearings have been scheduled, but meetings have been held with the Occupational Therapy Board and rules will be on the agenda of future Board meetings until the Department's proposed rules are ready for publication in the *Illinois Register*.

D) Date agency anticipates First Notice: Unknown

E) Affect on small businesses, small municipalities or not for profit corporations: Occupational therapists will be required to adhere to expanded ethical standards.

## DEPARTMENT OF PROFESSIONAL REGULATION

## JANUARY 1997 REGULATORY AGENDA

F) Agency contact person for information:

Department of Professional Regulation  
Attention: Jean A. Courtney  
320 West Washington, 3rd Floor  
Springfield, IL 62786  
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None

h) Part(s) (Heading and Code Citation): Dental Practice Act (68 Ill. Adm. Code 1220)

1) Rulemaking:

A) Description: Subpart E, pertaining to anesthesia permits, will be updated.

B) Statutory Authority: [225 ILCS 25]

C) Scheduled meeting/hearing date: No hearings have been scheduled, but meetings have been held with the Board of Dentistry and rules will be on the agenda of future Board meetings until the Department's proposed rules are ready for publication in the *Illinois Register*.

D) Date agency anticipates First Notice: Unknown

E) Affect on small businesses, small municipalities or not for profit corporations: Licensed dentists who administer general anesthesia or parenteral conscious sedation to patients will be required to meet minimum qualifications necessary to protect public safety.

F) Agency contact person for information:

Department of Professional Regulation  
Attention: Jean A. Courtney  
320 West Washington, 3rd Floor  
Springfield, IL 62786  
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None

i) Part(s) (Heading and Code Citation): Pharmacy Practice Act of 1987 (68 Ill. Adm. Code 1330)

## DEPARTMENT OF PROFESSIONAL REGULATION

## JANUARY 1997 REGULATORY AGENDA

1) Rulemaking:

A) Description: The pharmacy rules will be updated to conform with the sunset rewrite of the Act in 1997.

B) Statutory Authority: [225 ILCS 85]

C) Scheduled meeting/hearing date: No hearings have been scheduled, but rules will be on the agenda of future State Board of Pharmacy meetings until the Department's proposed amendments are ready for publication in the *Illinois Register*.

D) Date agency anticipates First Notice: Unknown

E) Affect on small businesses, small municipalities or not for profit corporations: The effects on pharmacy businesses are yet to be determined.

F) Agency contact person for information:

Department of Professional Regulation  
Attention: Jean A. Courtney  
320 West Washington, 3rd Floor  
Springfield, IL 62786  
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None

j) Part(s) (Heading and Code Citation): Optometric Practice Act of 1987 (68 Ill. Adm. Code 1320)

1) Rulemaking:

A) Description: The optometry rules will be updated to conform with the sunset rewrite of the Act in 1997.

B) Statutory Authority: [225 ILCS 80]

C) Scheduled meeting/hearing date: No hearings have been scheduled, but rules will be on the agenda of future Illinois Optometric Licensing and Disciplinary Committee meetings until the Department's proposed amendments are ready for publication in the *Illinois Register*.

D) Date agency anticipates First Notice: Unknown

E) Affect on small businesses, small municipalities or not for profit

## DEPARTMENT OF PROFESSIONAL REGULATION

## JANUARY 1997 REGULATORY AGENDA

corporations: The effects on eye care businesses are yet to be determined.

F) Agency contact person for information:

Department of Professional Regulation  
Attention: Jean A. Courtney  
320 West Washington, 3rd Floor  
Springfield, IL 62786  
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None

k) Part(s) (Heading and Code Citation): Clinical Psychologist Licensing Act (68 Ill. Adm. Code 1400)

1) Rulemaking:

A) Description: The psychology rules will be updated to conform with the sunset rewrite of the Act in 1997.

B) Statutory Authority: [225 ILCS 15]

C) Scheduled meeting/hearing date: No hearings have been scheduled, but rules will be on the agenda of future Clinical Psychologists Licensing and Disciplinary Committee meetings until the Department's proposed amendments are ready for publication in the *Illinois Register*.

D) Date agency anticipates First Notice: Unknown

E) Affect on small businesses, small municipalities or not for profit corporations: The effects on businesses providing the services of clinical psychologists are yet to be determined.

F) Agency contact person for information:

Department of Professional Regulation  
Attention: Jean A. Courtney  
320 West Washington, 3rd Floor  
Springfield, IL 62786  
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None

l) Part(s) (Heading and Code Citation): Acupuncture Practice Act (68 Ill.



## DEPARTMENT OF PROFESSIONAL REGULATION

## JANUARY 1997 REGULATORY AGENDA

Adm. Code 1105)

1) Rulemaking:

A) Description: If the Governor signs Senate Bill 454, the Department of Professional Regulation will be required to promulgate rules to establish licensure standards and procedures for those desiring to practice acupuncture in Illinois.

B) Statutory Authority: [225 ILCS number to be determined]

C) Scheduled meeting/hearing date: No hearings have been scheduled. If and when the bill becomes law, the Department will immediately proceed with a draft for proposed rules.

D) Date agency anticipates First Notice: Unknown

E) Affect on small businesses, small municipalities or not for profit corporations: The effects on businesses providing acupuncture services are yet to be determined beyond the fact that licensure will be required.

F) Agency contact person for information:

Department of Professional Regulation  
Attention: Jean A. Courtney  
320 West Washington, 3rd Floor  
Springfield, IL 62786  
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## JANUARY 1997 REGULATORY AGENDA

a) Part(s)(Heading and Code Citation): General Provisions, 23 Ill. Adm. Code 2700

1) Rulemaking:

A) Description: The contemplated rulemaking will update and revise ISAC's existing rules for this part. ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, and to clarify issues that have arisen during the previous year.

B) Statutory Authority: Implementing Sections 80 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/80 through 175]; Title IV of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1070 et seq., as amended by P.L. 102-325); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

C) Scheduled meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

D) Date agency anticipates First Notice: January 1997 or shortly thereafter.

E) Affect on small business, municipalities or not for profit corporations: None

F) Agency Contact Person for Information:

Ms. Raquel G. Martinez  
Compliance Counsel  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield, IL 60015-5209  
847/948-8500

G) Related rulemakings and other pertinent information: None

b) Part(s)(Heading and Code Citation): Federal Family Education Loan Program (FFELP), 23 Ill. Adm. Code 2720

1) Rulemaking:

A) Description: The contemplated rulemaking will update and revise

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## JANUARY 1997 REGULATORY AGENDA

ISAC's existing rules for this Part. ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, and to clarify issues that have arisen during the previous year.

- B) Statutory Authority: Implementing Sections 80 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/80 through 175]; Title IV, Part B, of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1071 et seq.); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

- C) Scheduled meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

- D) Date agency anticipates First Notice: January 1997 or shortly thereafter.

- E) Affect on small business, municipalities or not for profit corporations: None

- F) Agency Contact Person for Information:

Ms. Raquel G. Martinez  
Compliance Counsel  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield, IL 60015-5209  
847/948-8500

- G) Related rulemakings and other pertinent information: None

- c) Part(s)(Heading and Code Citation): Alternative Loan Program, 23 Ill. Adm. Code 2721

1) Rulemaking:

- A) Description: The contemplated rulemaking will update and revise ISAC's existing rules for this Part. ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, and to clarify issues that have arisen during the previous year.

- B) Statutory Authority: Implementing Sections 5 and 80 through 175

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## JANUARY 1997 REGULATORY AGENDA

of the Higher Education Student Assistance Act [110 ILCS 947/5 and 80 through 175] and authorized by Sections 20(f) and 140(a) of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 140(a)].

- C) Scheduled meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

- D) Date agency anticipates First Notice: January 1997 or shortly thereafter.

- E) Affect on small business, municipalities or not for profit corporations: None

- F) Agency Contact Person for Information:

Ms. Raquel G. Martinez  
Compliance Counsel  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield, IL 60015-5209  
847/948-8500

- G) Related rulemakings and other pertinent information: None

- d) Part(s)(Heading and Code Citation): Illinois National Guard Grant Program, 23 Ill. Adm. Code 2730

1) Rulemaking:

- A) Description: The contemplated rulemaking will update and revise ISAC's existing rules for this Part. ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, and to clarify issues that have arisen during the previous year.

- B) Statutory Authority: Implementing Section 45 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/45 and 20(f)].

- C) Scheduled meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## JANUARY 1997 REGULATORY AGENDA

identified in item F, below.

D) Date agency anticipates First Notice: January 1997 or shortly thereafter.

E) Affect on small business, municipalities or not for profit corporations: None

## F) Agency Contact Person for Information:

Ms. Raquel G. Martinez  
Compliance Counsel  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield, IL 60015-5209  
847/948-8500

G) Related rulemakings and other pertinent information: None

e) Part(s)(Heading and Code Citation): Grant Program for Dependents of Correctional Officers, 23 Ill. Adm. Code 2731

## 1) Rulemaking:

A) Description: The contemplated rulemaking will update and revise ISAC's existing rules for this Part. ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, and to clarify issues that have arisen during the previous year.

B) Statutory Authority: Implementing Section 60 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/60 and 20(f)].

C) Scheduled meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

D) Date agency anticipates First Notice: January 1997 or shortly thereafter.

E) Affect on small business, municipalities or not for profit corporations: None

## F) Agency Contact Person for Information:

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## JANUARY 1997 REGULATORY AGENDA

Ms. Raquel G. Martinez  
Compliance Counsel  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield, IL 60015-5209  
847/948-8500

G) Related rulemakings and other pertinent information: None

f) Part(s)(Heading and Code Citation): Grant Program for Dependents of Police or Fire Officers, 23 Ill. Adm. Code 2732

## 1) Rulemaking:

A) Description: The contemplated rulemaking will update and revise ISAC's existing rules for this Part. ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, and to clarify issues that have arisen during the previous year.

B) Statutory Authority: Implementing Section 55 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/55 and 20(f)].

C) Scheduled meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

D) Date agency anticipates First Notice: January 1997 or shortly thereafter.

E) Affect on small business, municipalities or not for profit corporations: None

## F) Agency Contact Person for Information:

Ms. Raquel G. Martinez  
Compliance Counsel  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield, IL 60015-5209  
847/948-8500

G) Related rulemakings and other pertinent information: None



## ILLINOIS STUDENT ASSISTANCE COMMISSION

## JANUARY 1997 REGULATORY AGENDA

- g) Part(s)(Heading and Code Citation): Illinois Veteran Grant (IVG) Program, 23 Ill. Adm. Code 2733

1) Rulemaking:

A) Description: The contemplated rulemaking will update and revise ISAC's existing rules for this Part. ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, and to clarify issues that have arisen during the previous year.

B) Statutory Authority: Implementing Section 40 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/40 and 20(f)].

C) Scheduled meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

D) Date agency anticipates First Notice: January 1997 or shortly thereafter.

E) Affect on small business, municipalities or not for profit corporations: None

F) Agency Contact Person for Information:

Ms. Raquel G. Martinez  
Compliance Counsel  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield, IL 60015-5209  
847/948-8500

G) Related rulemakings and other pertinent information: None

- h) Part(s)(Heading and Code Citation): Monetary Award Program (MAP), 23 Ill. Adm. Code 2735

1) Rulemaking:

A) Description: The contemplated rulemaking will update and revise ISAC's existing rules for this Part. ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments,

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## JANUARY 1997 REGULATORY AGENDA

and to clarify issues that have arisen during the previous year.

B) Statutory Authority: Implementing Section 35 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/35 and 20(f)].

C) Scheduled meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

D) Date agency anticipates First Notice: January 1997 or shortly thereafter.

E) Affect on small business, municipalities or not for profit corporations: None

F) Agency Contact Person for Information:

Ms. Raquel G. Martinez  
Compliance Counsel  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield, IL 60015-5209  
847/948-8500

G) Related rulemakings and other pertinent information: None

- i) Part(s)(Heading and Code Citation): Illinois Incentive for Access (IIA) Program, 23 Ill. Adm. Code 2736

1) Rulemaking:

A) Description: The contemplated rulemaking will update and revise ISAC's existing rules for this Part. ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, and to clarify issues that have arisen during the previous year.

B) Statutory Authority: Implementing Section 36 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/36 and 20(f)].

C) Scheduled meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## JANUARY 1997 REGULATORY AGENDA

public may submit views or comments in writing to the individual identified in item F, below.

D) Date agency anticipates First Notice: January 1997 or shortly thereafter.

E) Affect on small business, municipalities or not for profit corporations: None

F) Agency Contact Person for Information:

Ms. Raquel G. Martinez  
Compliance Counsel  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield, IL 60015-5209  
847/948-8500

G) Related rulemakings and other pertinent information: None

J) Part(s)(Heading and Code Citation): Robert C. Byrd Honors Scholarship Program, 23 Ill. Adm. Code 2755

1) Rulemaking:

A) Description: The contemplated rulemaking will update and revise ISAC's existing rules for this Part. ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, and to clarify issues that have arisen during the previous year.

B) Statutory Authority: Implementing Section 65.60 of the Higher Education Student Assistance Act [110 ILCS 947/65.60] and Title IV, Part A, Subpart 6 of the Higher Education Act of 1965, as amended (20 U.S.C. 1070d-31 et seq.) and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

C) Scheduled meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

D) Date agency anticipates First Notice: January 1997 or shortly thereafter.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## JANUARY 1997 REGULATORY AGENDA

E) Affect on small business, municipalities or not for profit corporations: None

F) Agency Contact Person for Information:

Ms. Raquel G. Martinez  
Compliance Counsel  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield, IL 60015-5209  
847/948-8500

G) Related rulemakings and other pertinent information: None

K) Part(s)(Heading and Code Citation): State Scholar Program, 23 Ill. Adm. Code 2760

1) Rulemaking:

A) Description: The contemplated rulemaking will update and revise ISAC's existing rules for this Part. ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, and to clarify issues that have arisen during the previous year.

B) Statutory Authority: Implementing Section 25 and authorized by Section 20 (f) of the Higher Education Student Assistance Act [110 ILCS 947/25 and 20(f)].

C) Scheduled meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

D) Date agency anticipates First Notice: January 1997 or shortly thereafter.

E) Affect on small business, municipalities or not for profit corporations: None

F) Agency Contact Person for Information:

Ms. Raquel G. Martinez  
Compliance Counsel  
Illinois Student Assistance Commission  
1755 Lake Cook Road

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## JANUARY 1997 REGULATORY AGENDA

Deerfield, IL 60015-5209  
847/948-8500

- G) Related rulemakings and other pertinent information: None

- 1) Part(s)(Heading and Code Citation): Merit Recognition Scholarship (MRS) Program, 23 Ill. Adm. Code 2761

1) Rulemaking:

- A) Description: The contemplated rulemaking will update and revise ISAC's existing rules for this Part. ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, and to clarify issues that have arisen during the previous year.

- B) Statutory Authority: Implementing Section 30 and authorized by Section 30(h) of the Higher Education Student Assistance Act [110 ILCS 947/30 and 30(h)].

- C) Scheduled meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

- D) Date agency anticipates First Notice: January 1997 or shortly thereafter.

- E) Affect on small business, municipalities or not for profit corporations: None

- F) Agency Contact Person for Information:

Ms. Raquel G. Martinez  
Compliance Counsel  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield, IL 60015-5209  
847/948-8500

- G) Related rulemakings and other pertinent information: None

- m) Part(s)(Heading and Code Citation): Paul Douglas Teacher Scholarship Program, 23 Ill. Adm. Code 2762

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## JANUARY 1997 REGULATORY AGENDA

1) Rulemaking:

- A) Description: The contemplated rulemaking will update and revise ISAC's existing rules for this Part. ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, and to clarify issues that have arisen during the previous year.

- B) Statutory Authority: Implementing and authorized by Section 521 et seq. of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1111 et seq.), and Section 20 (b) and (f) of the Higher Education Student Assistance Act [110 ILCS 947/20(b) and (f)].

- C) Scheduled meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

- D) Date agency anticipates First Notice: January 1997 or shortly thereafter.

- E) Affect on small business, municipalities or not for profit corporations: None

- F) Agency Contact Person for Information:

Ms. Raquel G. Martinez  
Compliance Counsel  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield, IL 60015-5209  
847/948-8500

- G) Related rulemakings and other pertinent information: None

- n) Part(s)(Heading and Code Citation): Minority Teachers of Illinois (MTI) Scholarship Program, 23 Ill. Adm. Code 2763

1) Rulemaking:

- A) Description: The contemplated rulemaking will update and revise ISAC's existing rules for this Part. ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, and to clarify issues that have arisen during the previous year.



ILLINOIS STUDENT ASSISTANCE COMMISSION  
JANUARY 1997 REGULATORY AGENDA

- B) Statutory Authority: Implementing Section 50 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/50 and 20(f)].
- C) Scheduled meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.
- D) Date agency anticipates First Notice: January 1997 or shortly thereafter.
- E) Affect on small business, municipalities or not for profit corporations: None
- F) Agency Contact Person for Information:

Ms. Raquel G. Martinez  
Compliance Counsel  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield, IL 60015-5209  
847/948-8500

- G) Related rulemakings and other pertinent information: None

- O) Part(s)(Heading and Code Citation): David A. DeBolt Teacher Shortage Scholarship Program, 23 Ill. Adm. Code 2764

1) Rulemaking:

- A) Description: The contemplated rulemaking will update and revise ISAC's existing rules for this Part. ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, and to clarify issues that have arisen during the previous year.
- B) Statutory Authority: Implementing Section 65.55 of the Higher Education Student Assistance Act [110 ILCS 947/65.55] and authorized by Sections 20(f) and 65.55 of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 65.55].
- C) Scheduled meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual

ILLINOIS STUDENT ASSISTANCE COMMISSION  
JANUARY 1997 REGULATORY AGENDA

- identified in item F, below.
- D) Date agency anticipates First Notice: January 1997 or shortly thereafter.
- E) Affect on small business, municipalities or not for profit corporations: None
- F) Agency Contact Person for Information:

Ms. Raquel G. Martinez  
Compliance Counsel  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield, IL 60015-5209  
847/948-8500

- G) Related rulemakings and other pertinent information: None

- P) Part(s)(Heading and Code Citation): Illinois Special Education Teacher Tuition Waiver Program, 23 Ill. Adm. Code 2765

1) Rulemaking:

- A) Description: The contemplated rulemaking will update and revise ISAC's existing rules for this Part. ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, and to clarify issues that have arisen during the previous year.
- B) Statutory Authority: Implementing Section 65.15 of the Higher Education Student Assistance Act [110 ILCS 947/65.15] and authorized by Sections 20(f) and 65.15(a)(2) of the Higher Education Student Assistance Act.
- C) Scheduled meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.
- D) Date agency anticipates First Notice: January 1997 or shortly thereafter.
- E) Affect on small business, municipalities or not for profit corporations: None

## ILLINOIS STUDENT ASSISTANCE COMMISSION

JANUARY 1997 REGULATORY AGENDA

## F) Agency Contact Person for Information:

Ms. Raquel G. Martinez  
Compliance Counsel  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield, IL 60015-5209  
847/948-8500

G) Related rulemakings and other pertinent information: Noneq) Part(s)(Heading and Code Citation): Student to Student (STS) Program of Matching Grants, 23 Ill. Adm. Code 27701) Rulemaking:

A) Description: The contemplated rulemaking will update and revise ISAC's existing rules for this Part. ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, and to clarify issues that have arisen during the previous year.

B) Statutory Authority: Implementing Section 65 and authorized by the Section 20(f) of the Higher Education Student Assistant Act [110 ILCS 947/65 and 20(f)].

C) Scheduled meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

D) Date agency anticipates First Notice: January 1997 or shortly thereafter.

E) Affect on small business, municipalities or not for profit corporations: None

## F) Agency Contact Person for Information:

Ms. Raquel G. Martinez  
Compliance Counsel  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield, IL 60015-5209  
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## ILLINOIS STUDENT ASSISTANCE COMMISSION

JANUARY 1997 REGULATORY AGENDA

G) Related rulemakings and other pertinent information: Noner) Part(s)(Heading and Code Citation): College Savings Bond Bonus Incentive Grant (BIG) Program, 23 Ill. Adm. Code 27711) Rulemaking:

A) Description: The contemplated rulemaking will update and revise ISAC's existing rules for this Part. ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, and to clarify issues that have arisen during the previous year.

B) Statutory Authority: Implementing and authorized by Section 8 of the Baccalaureate Savings Act and by Section 75 of the Higher Education Student Assistance Act [110 ILCS 920/8 and 947/75].

C) Scheduled meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

D) Date agency anticipates First Notice: January 1997 or shortly thereafter.

E) Affect on small business, municipalities or not for profit corporations: None

F) Agency Contact Person for Information:

Ms. Raquel G. Martinez  
Compliance Counsel  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield, IL 60015-5209  
847/948-8500

G) Related rulemakings and other pertinent information: Nones) Part(s)(Heading and Code Citation): Limitation, Suspension and Termination Proceedings, 23 Ill. Adm. Code 27901) Rulemaking:

A) Description: The contemplated rulemaking will update and revise

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## JANUARY 1997 REGULATORY AGENDA

ISAC's existing rules for this Part. ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, and to clarify issues that have arisen during the previous year.

B) Statutory Authority: Implementing and authorized by the Higher Education Student Assistance Act [110 ILCS 947] and the Higher Education Act of 1965, as amended (20 U.S.C.A. 1070 et seq.).

C) Scheduled meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

D) Date agency anticipates First Notice: January 1997 or shortly thereafter.

E) Affect on small business, municipalities or not for profit corporations: None

F) Agency Contact Person for Information:

Ms. Raquel G. Martinez  
Compliance Counsel  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield, IL 60015-5209  
847/948-8500

G) Related rulemakings and other pertinent information: None

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## JANUARY 1997 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): The Administration and Operation of the Teachers' Retirement System, 80 Ill. Adm. Code 1650

1) Rulemaking:

A) Description: The Teachers' Retirement System ("System") anticipates reformatting, amending and adding rules in order to clarify issues concerning the benefit programs' compliance with the Internal Revenue Code.

B) Statutory Authority: Implementing and authorized by Article 16 of the Illinois Pension Code [40 ILCS 5/Art. 16]; Freedom of Information Act [5 ILCS 140]; Section 401(a)(31) of the Internal Revenue Code [26 U.S.C. 401(a)(31)]; Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

C) Scheduled meeting/hearing dates: There is no proposed schedule of dates for meetings/hearings at this time.

D) Date agency anticipates First Notice: Unknown.

E) Affect on small businesses, small municipalities or not for profit corporations: None.

F) Agency contact person for information:

Name: Erin E. Smith, Legal Assistant  
Address: Teachers' Retirement System  
2815 West Washington, P.O. Box 19253  
Springfield, Illinois 62794-9253  
Telephone: (217) 753-0961

G) Related rulemakings and other pertinent information: None.



## JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON OFFICE BUILDING  
ROOM C-1

SPRINGFIELD, ILLINOIS

2:00 P.M.

JANUARY 21, 1997

NOTICES: Due to Register submittal deadlines, the Agenda below may be incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting.

*It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:*

*Joint Committee on Administrative Rules  
700 Stratton Office Building  
Springfield, Illinois 62706*

RULEMAKINGS SCHEDULED FOR JCAR REVIEW

The following rulemakings are scheduled for review at this meeting. JCAR staff may be proposing action with respect to some of these rulemakings. JCAR members may have questions concerning, and may initiate action with respect to, any item scheduled for JCAR review and any other issues within the Committee's purview.

PROPOSED RULEMAKINGSAgriculture

1. Fairs Operating Under the Agricultural Fair Act (8 Ill Adm Code 260)  
-First Notice Published: 20 Ill Reg 14298 - 11/8/96  
-Expiration of Second Notice Period: 2/8/97

Alcoholism and Substance Abuse

2. Subacute Alcoholism and Substance Abuse Treatment Services (77 Ill Adm Code 2090)  
-First Notice Published: 20 Ill Reg 14324 - 9/13/96  
-Expiration of Second Notice Period: 2/5/97

Banks and Real Estate

3. Real Estate Appraiser Certification (68 Ill Adm Code 1455)  
-First Notice Published: 20 Ill Reg 12311 - 9/13/96  
-Expiration of Second Notice Period: 2/6/97

Central Management Services

4. State of Illinois Dependent Care Assistance Plan (80 Ill Adm Code 2110)  
-First Notice Published: 20 Ill Reg 12678 - 9/27/96  
-Expiration of Second Notice Period: 1/26/97

5. State of Illinois Medical Care Assistance Plan (80 Ill Adm Code 2120)  
-First Notice Published: 20 Ill Reg 12682 - 9/27/96  
-Expiration of Second Notice Period: 1/26/97

Commerce Commission

6. Resolution of Household Goods Disputes (92 Ill Adm Code 1456)  
-First Notice Published: 20 Ill Reg 10755 - 8/16/96  
-Expiration of Second Notice Period: 2/19/97

Education

7. Pupil Transportation Reimbursement (23 Ill Adm Code 120)  
-First Notice Published: 20 Ill Reg 13485 - 10/18/96  
-Expiration of Second Notice Period: 2/15/97

Environmental Protection Agency

8. Licensing of Industrial Hygienists (35 Ill Adm Code 184)  
-First Notice Published: 20 Ill Reg 5419 - 4/12/96  
-Expiration of Second Notice Period: 2/19/97

Insurance

9. Annual Audited Financial Report (50 Ill Adm Code 925)  
-First Notice Published: 20 Ill Reg 12687 - 10/18/96  
-Expiration of Second Notice Period: 1/29/97

10. Electronic Filing (50 Ill Adm Code 4405)

-First Notice Published: 20 Ill Reg 12563 - 9/20/96  
-Expiration of Second Notice Period: 2/5/97

11. Repeal of Extension of Service to Additional Counties (50 Ill Adm Code 5602)

-First Notice Published: 20 Ill Reg 11437 - 8/23/96  
-Expiration of Second Notice Period: 1/24/97

12. Repeal of Pension and Examination Procedure (50 Ill Adm Code 6301)  
-First Notice Published: 20 Ill Reg 12983 - 10/4/96  
-Expiration of Second Notice Period: 2/12/97

13. Examination and Audit Procedure (50 Ill Adm Code 4401)

-First Notice Published: 20 Ill Reg 12977 - 10/4/96  
-Expiration of Second Notice Period: 2/12/97

Mental Health and Developmental Disabilities

14. Treatment and Habilitation Services (59 Ill Adm Code 112)

- First Notice Published: 20 Ill Reg 13507 - 10/18/96
- Expiration of Second Notice Period: 1/29/97

15. Minimum Standards for Licensure of Community Residential Alternatives (59 Ill Adm Code 113)

- First Notice Published: 20 Ill Reg 13497 - 10/18/96
- Expiration of Second Notice Period: 1/29/97

16. Standards and Licensure Requirements for Community-Integrated Living Arrangements (59 Ill Adm Code 115)

- First Notice Published: 20 Ill Reg 13502 - 10/18/96
- Expiration of Second Notice Period: 1/29/97

17. Minimum Standards for Certification of Developmental Training Programs (59 Ill Adm Code 119)

- First Notice Published: 20 Ill Reg 13492 - 10/18/96
- Expiration of Second Notice Period: 1/29/97

#### Professional Regulation

18. Private Detective, Private Alarm and Private Security Act of 1993 (68 Ill Adm Code 1240)

- First Notice Published: 20 Ill Reg 14708 - 11/15/96
- Expiration of Second Notice Period: 2/15/97

#### Public Aid

19. Mediplan Plus (89 Ill Adm Code 142)

- First Notice Published: 20 Ill Reg 13156 - 10/11/96
- Expiration of Second Notice Period: 2/16/97

20. Diagnosis Related Grouping (DRG) Prospective Payment System (PPS) (89 Ill Adm Code 149)

- First Notice Published: 20 Ill Reg 11573 - 8/30/96
- Expiration of Second Notice Period: 2/8/97

21. Assistance Standards (89 Ill Adm Code 111)

- First Notice Published: 20 Ill Reg 13031 - 10/4/96
- Expiration of Second Notice Period: 1/31/97

22. Aid to Families with Dependent Children (89 Ill Adm Code 112)

- First Notice Published: 20 Ill Reg 13138 - 10/11/96
- Expiration of Second Notice Period: 1/22/97

23. Aid to Families with Dependent Children (89 Ill Adm Code 112)

- First Notice Published: 20 Ill Reg 11560 - 8/30/96
- Expiration of Second Notice Period: 1/31/97

24. Demonstration Programs (89 Ill Adm Code 170)

- First Notice Published: 20 Ill Reg 13900 - 10/25/96
- Expiration of Second Notice Period: 1/31/97

#### Public Health

25. Emergency Medical Services and Trauma Center Code (77 Ill Adm Code 515)
- First Notice Published: 20 Ill Reg 11602 - 8/30/96
  - Expiration of Second Notice Period: 1/30/97

26. Repeal of Emergency Medical Services Code (77 Ill Adm Code 535)

- First Notice Published: 20 Ill Reg 11743 - 8/30/96
- Expiration of Second Notice Period: 1/30/97

27. Repeal of Illinois Trauma Center Code (77 Ill Adm Code 540)

- First Notice Published: 20 Ill Reg 11835 - 8/30/96
- Expiration of Second Notice Period: 1/30/97

28. Repeal of Trauma Nurse Specialist Course Code (77 Ill Adm Code 542)

- First Notice Published: 20 Ill Reg 11886 - 8/30/96
- Expiration of Second Notice Period: 1/30/97

29. WIC Vendor Management Code (77 Ill Adm Code 672)

- First Notice Published: 20 Ill Reg 13264 - 10/11/96
- Expiration of Second Notice Period: 2/19/97

30. Hearing Instrument Consumer Protection Code (77 Ill Adm Code 682)

- First Notice Published: 20 Ill Reg 13236 - 10/11/96
- Expiration of Second Notice Period: 2/19/97

#### Rehabilitation Services

31. Program Description (89 Ill Adm Code 676)

- First Notice Published: 20 Ill Reg 13926 - 10/25/96
- Expiration of Second Notice Period: 2/2/97

32. Determination of Need (DON) and Resulting Service Cost Maximums (SCMS) (89 Ill Adm Code 679)

- First Notice Published: 20 Ill Reg 13922 - 10/25/96
- Expiration of Second Notice Period: 2/2/97

#### Revenue

33. Retailers' Occupation Tax (86 Ill Adm Code 130)

- First Notice Published: 20 Ill Reg 14161 - 11/1/96
- Expiration of Second Notice Period: 2/6/97

34. Service Occupation Tax (86 Ill Adm Code 140)

- First Notice Published: 20 Ill Reg 14175 - 11/11/96
- Expiration of Second Notice Period: 2/6/97

35. Hotel Operators' Occupation Tax Act (86 Ill Adm Code 480)

- First Notice Published: 20 Ill Reg 11903 - 8/30/96
- Expiration of Second Notice Period: 2/6/97

36. Salem Civic Center Service Occupation Tax (86 Ill Adm Code 691)

- First Notice Published: 20 Ill Reg 11918 - 8/30/96
- Expiration of Second Notice Period: 2/6/97
- 37. Salem Civic Center Retailers' Occupation Tax (86 Ill Adm Code 690)
  - First Notice Published: 20 Ill Reg 11910 - 8/30/96
  - Expiration of Second Notice Period: 2/6/97
- 38. Salem Civic Center Use Tax (86 Ill Adm Code 692)
  - First Notice Published: 20 Ill Reg 11923 - 8/30/96
  - Expiration of Second Notice Period: 2/6/97
- Secretary of State
- 39. Literacy Grant Program (23 Ill Adm Code 3040)
  - First Notice Published: 20 Ill Reg 13930 - 10/25/96
  - Expiration of Second Notice Period: 2/2/97

Teachers' Retirement System

- 40. The Administration and Operation of the Teachers' Retirement System (80 Ill Adm Code 1650)
  - First Notice Published: 20 Ill Reg 14368 - 11/8/96
  - Expiration of Second Notice Period: 2/6/97

**EMERGENCY & PEREMPTORY RULEMAKINGS**

Children and Family Services

- 41. Relative Home Placement (89 Ill Adm Code 335) (Emergency)
  - Notice Published: 20 Ill Reg 16006 - 12/20/96

Revenue

- 42. Property Tax Code (86 Ill Adm Code 110) (Emergency)
  - Notice Published: 20 Ill Reg 15613 - 12/6/96

State Employees' Retirement System

- 43. The Administration and Operation of the State Employees' Retirement System of Illinois (80 Ill Adm Code 1540) (Emergency)
  - Notice Published: 21 Ill Reg 476 - 1/3/97

Teachers' Retirement System

- 44. The Administration and Operation of the Teachers' Retirement System (80 Ill Adm Code 1650) (Emergency)
  - Notice Published: 21 Ill Reg 483 - 1/3/97

**EXPEDITED CORRECTION**

Revenue

- 45. Retailers' Occupation Tax (86 Ill Adm Code 130)

**AGENCY RESPONSES**

Education

- 46. Regional Offices of Education and Intermediate Services (23 Ill Adm Code 525)

Public Aid

- 47. Related Program Provisions (89 Ill Adm Code 117)

Secretary of State

- 48. Sale of Information (92 Ill Adm Code 1002)



JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of December 26, 1996 through January 6, 1997 and have been scheduled for review by the Committee at its January 21, 1997 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
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2/8/97	Department of Public Aid, Diagnosis Related Grouping (DRG) Prospective Payment System (PPS) (89 Ill Adm Code 149)	8/30/96 20 Ill Reg 11573	1/21/97
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2/8/97	Department of Agriculture, Fairs Operating Under the Agricultural Fair Act (8 Ill Adm Code 260)	11/8/96 20 Ill Reg 14298	1/21/97
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2/12/97	Department of Insurance, Repeal of Pension and Examination Procedure (50 Ill Adm Code 6301)	10/4/96 20 Ill Reg 12983	1/21/97
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2/12/97	Department of Insurance, Examination and Audit Procedure (50 Ill Adm Code 4401)	10/4/96 20 Ill Reg 12977	1/21/97
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2/15/97	State Board of Education, Pupil Transportation Reimbursement (23 Ill Adm Code 120)	10/18/96 20 Ill Reg 13485	1/21/97
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2/15/97	Department of Professional Regulation, Private Detective, Private Alarm and Private Security Act of 1993 (68 Ill Adm Code 1240)	11/15/96 20 Ill Reg 14708	1/21/97
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2/16/97	Department of Public Aid, MediPlan Plus (89 Ill Adm Code 142)	10/11/96 20 Ill Reg 13156	1/21/97
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2/19/97	Illinois Commerce Commission, Resolution of Household Goods Disputes (92 Ill Adm Code 1456)	8/16/96 20 Ill Reg 10755	1/21/97
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JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

2/19/97	Environmental Protection Agency, Licensing of Industrial Hygienists (35 Ill Adm Code 184)	4/12/96 20 Ill Reg 5419	1/21/97
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2/19/97	Department of Public Health, WIC Vendor Management Code (77 Ill Adm Code 672)	10/11/96 20 Ill Reg 13264	1/21/97
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2/19/97	Department of Public Health, Hearing Instrument Consumer Protection Code (77 Ill Adm Code 682)	10/11/96 20 Ill Reg 13236	1/21/97
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## PROCLAMATIONS

96-653

## CHICAGO CHAMBER MUSICIANS DAY

Whereas, the Chicago Chamber Musicians is a not-for-profit organization celebrating its 10th anniversary season of providing chamber music of the highest artistic standards; and

Whereas, the Chicago Chamber Musicians, comprised of 13 ensemble artists, has worked diligently to share the joy of music with the broadest possible audience, thereby enriching the cultural life of Chicago and beyond, through its subscription concerts and 40 free concerts each year; and

Whereas, the Chicago Chamber Musicians has developed a nationally recognized arts education program at Sullivan High School and Burr Elementary School, working with Chicago Public School teachers, administrative staff, families and students to create community through music within the schools and extending into our city; and

Whereas, the Chicago Chamber Musicians performs a "Music Allegro" outreach series annually to bring live music to unconventional venues where people most in need of music are least likely to hear it, such as the Rehabilitation Institute of Chicago and the Lawson YMCA Emergency Housing Program;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 3, 1997, as CHICAGO CHAMBER OF MUSICIANS DAY in Illinois.

Issued by the Governor December 19, 1996.

Filed by the Secretary of State December 31, 1996.

96-654

## LUCRETIA WHITE DAY

Whereas, Mrs. Lucretia White was born December 25, 1896, to George and Liza Pound in Wilmot, Arkansas; and

Whereas, Lucretia moved to Chicago in 1912, and has lived there ever since; and

Whereas, Lucretia married Ervin Childs and born to this union was daughter Maggie Mae Childs; and

Whereas, Lucretia later married Robert White; and

Whereas, Lucretia also has one grandchild, Katherine Karen Gabriel; and

Whereas, Mrs. Lucretia White has seven great-grandchildren and 12 great-great-grandchildren; and

Whereas, Lucretia worked as a cook for the Salvation Army and as a housekeeper and cook for two Chicago doctors' families; and

Whereas, Mrs. Lucretia White has been an active and devoted member of the St. Paul Methodist Church since 1940; and

Whereas, Lucretia enjoys spending time with her many grandchildren; and

Whereas, Lucretia White will celebrate her 100th birthday December 25, 1996;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim December 28, 1996, as LUCRETIA WHITE DAY in Illinois, and extend sincere congratulations to her on reaching this milestone.

Issued by the Governor December 19, 1996.

Filed by the Secretary of State December 31, 1996.

96-655

## SEED MONTH

Whereas, the abundance of Illinois crops relies on fertile soil, diligent farmers, and high-quality seeds; and

Whereas, to ensure that seeds are of the highest quality, there must be agricultural-minded seed producers, conscientious inspectors, skilled technicians, and concerned dealers; and

Whereas, agriculture and the seed industry significantly contribute to our state's economy with value-added products marketed throughout the world; and

Whereas, the Bureau of Agricultural Products Inspection within the Illinois Department of Agriculture tests the purity and germination of seeds, validates the accuracy of product labels, and cooperates with the Illinois Crop Improvement Association, the state's official seed-certifying agency, an independent, nonprofit organization; and

Whereas, in cooperation with educational and regulatory agencies, the Illinois Seed Trade Association has sustained an informed membership, the latest research developments, the production of high-quality seed, and has developed an effective seed program advocating pertinent legislation;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 1997 as SEED MONTH in Illinois in appreciation of the seed industry's contributions to supplying food and fiber to the world through the production of Illinois crops.

Issued by the Governor December 23, 1996.

Filed by the Secretary of State December 31, 1996.

96-656

## SCHOOL SOCIAL WORK WEEK

Whereas, the more than 2,200 school social workers in Illinois provide services to thousands of school children in regular and special education settings to help these children maximize their learning potential and experience school success; and

Whereas, school social workers assist the most vulnerable children and adolescents, including children with handicaps, abused and neglected children, low-income and minority children, pregnant teens, suicidal teens, potential dropouts, substance abusers, and other at-risk children and youths; and

Whereas, school social workers help parents and school personnel bridge the gap between home and school, coordinating community services to meet the special need of children and families; and

Whereas, school social workers work closely with school administrators, teachers, and other education professionals to help schools develop programs that are flexible and responsive to individual student needs; and

Whereas, school social workers advocate for schools, families, children, and youth in the legislative arena by supporting proposals to stabilize school funding, improve programs for at-risk children and youth, and offer training in conflict resolution and peer mediation to school children;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 9-15, 1997, as SCHOOL SOCIAL WORK WEEK in Illinois.

Issued by the Governor December 30, 1996.

Filed by the Secretary of State December 31, 1996.

Rules acted upon during the quarter of January 1 through March 31, 1997 are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 III, Adm. Code 4401 published in Issue 40 will be listed as 50-4401-2. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or [jnatale@ccgate.sos.state.il.us](mailto:jnatale@ccgate.sos.state.il.us) (Internet address).

**PROPOSED**

11-510-3  
17-590-2  
2-2250-3  
2-2251-3  
11-200-3  
35-304-1  
11-201-3  
38-307-2  
11-211-3  
38-370-2  
11-212-3  
41-120-3  
11-404-3  
41-121-3  
11-423-3  
41-123-3  
50-1410-3  
11-1320-3  
11-1422-3  
68-1220-1  
11-1431-3  
77-1190-1  
17-650-2  
86-100-3  
17-660-2  
89-102-2  
89-112-3  
17-670-2  
17-850-1  
89-117-1  
20-405-2  
89-240-3  
20-415-2  
89-407-3  
20-1520-3  
92-1002-1

**EMERGENC****Y**

20-405-2  
20-415-2  
20-525-2  
20-701-2  
20-1520-2  
80-310-3  
80-1540-1  
89-113-2  
80-1650-1  
89-112-2,3  
89-113-2  
89-114-2,3  
89-120-2  
89-112-2  
89-113-2  
89-302-3  
89-305-3  
89-407-1  
89-120-2  
89-505-3  
89-140-2  
89-302-3

**ADOPTED**

2-560-1  
4-1100-2  
8-65-3  
8-105-3  
8-115-3  
11-300-3



**ILLINOIS REGISTER**  
**ADMINISTRATIVE CODE ORDER FORM**

PLEASE USE THIS FORM FOR ALL ORDERS OR TO NOTIFY US OF A CHANGE OF ADDRESS. ALL ORDERS MUST BE PAID IN ADVANCE BY CHECK, MONEY ORDER, VISA, MASTER CARD OR DISCOVER CARD. CHECKS AND MONEY ORDERS MUST BE PAYABLE TO THE "SECRETARY OF STATE".

MICROFICHE SETS OF THE ILLINOIS REGISTER @\$200.00 PER SET.

\_\_\_1977-1978\_\_\_1979\_\_\_1980\_\_\_1981\_\_\_1982\_\_\_1983\_\_\_1984\_\_\_1985\_\_\_1986\_\_\_  
\_\_\_1987\_\_\_1988\_\_\_1989\_\_\_1990\_\_\_1991\_\_\_1992\_\_\_1993\_\_\_1994\_\_\_1995\_\_\_1996

CUMULATIVE INDICES TO THE ILLINOIS REGISTER @\$1.00 EACH.

\_\_\_1981\_\_\_1982\_\_\_1983\_\_\_1984\_\_\_1985\_\_\_1986\_\_\_1987\_\_\_1988\_\_\_1989

SECTIONS AFFECTED INDICES TO THE ILLINOIS REGISTER @\$1.00 EACH.

\_\_\_1984\_\_\_1985\_\_\_1986\_\_\_1987\_\_\_1988\_\_\_1989

CUMULATIVE/SECTIONS AFFECTED INDICES @\$5.00 EACH.

\_\_\_1990\_\_\_1991\_\_\_1992\_\_\_1993\_\_\_1994\_\_\_1995\_\_\_1996

BACK ISSUES OF THE ILLINOIS REGISTER (CURRENT YEAR ONLY) @\$10.00 EACH.

\_\_\_\_\_  
(VOLUME #)

\_\_\_\_\_  
(ISSUE #)

\_\_\_\_\_  
(ISSUE DATE)

ANNUAL SUBSCRIPTION TO THE ILLINOIS REGISTER @\$290.00 (52 ISSUES)

\_\_\_NEW\_\_\_RENEWAL

ANNUAL SUBSCRIPTION AND SUPPLEMENT TO THE ILLINOIS ADMINISTRATIVE CODE; PUBLISHED QUARTERLY @\$290.00

\_\_\_1996 CODE & 2 SUPPLEMENTS\_\_\_QUANTITY

TOTAL AMOUNT OF ORDER: \$\_\_\_\_\_

\_\_\_CHECK\_\_\_VISA\_\_\_DISCOVER\_\_\_CARD #:\_\_\_\_\_

EXPIRATION DATE:\_\_\_\_\_SIGNATURE:\_\_\_\_\_

(IF CHANGE OF ADDRESS, PLEASE LIST BOTH THE OLD AND NEW ADDRESS:\_\_\_\_\_

\_\_\_\_\_  
(NAME, PLEASE TYPE OR PRINT)

\_\_\_\_\_  
(ADDRESS)

\_\_\_\_\_  
(CITY, STATE, ZIP CODE AND TELEPHONE #)

MAIL TO:

GEORGE H. RYAN  
SECRETARY OF STATE  
INDEX DEPARTMENT  
111 E. MONROE  
SPRINGFIELD, IL 62756

